

The Food Hygiene Rating Scheme: Guidance for local authorities on implementation and operation - the 'Brand Standard'

Revision 1 – January 2012

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Abbreviations

The following acronyms/abbreviations are used in this document.

CIM	Confidence in management/control procedures
FBO	Food business operator
FHIS	Food Hygiene Information Scheme
FHRS	Food Hygiene Rating Scheme
FSA	Food Standards Agency
HACCP	Hazard Analysis Critical Control Points
IMS	Information management system
LA	Local authority
LAEMS	Local Authority Enforcement Monitoring System
LBRO	Local Better Regulation Office
Q&A	Question and answer
SFBB	Safer food better business

Status and purpose of the Guidance

This Guidance represents the 'Brand Standard' for the Food Hygiene Rating Scheme (FHRS) and local authorities operating the FHRS are expected to follow it in full.

The purpose is to ensure consistency in implementation and operation of the FHRS by local authorities. The aim is to ensure that where food business establishments are rated under the FHRS and where consumers see FHRS branding, they can be confident that the local authority is operating the FHRS as the Food Standards Agency (FSA) intends.

Food Hygiene Rating Scheme

1. The FHRS, which is for England, Wales and Northern Ireland, is an FSA/local authority partnership initiative.¹ This national scheme provides consumers with information about hygiene standards in food business establishments at the time they are inspected to check compliance with legal requirements on food hygiene. The food hygiene rating given reflects the inspection findings.
2. The purpose of the FHRS is to allow consumers to make informed choices about the places where they eat out or shop for food and, through these choices, encourage businesses to improve their hygiene standards. The overarching aim is to reduce the incidence of food-borne illness and the associated costs to the economy.
3. There are six different food hygiene ratings ('0' up to '5') - the top rating represents a 'very good' level of compliance with legal requirements and all businesses irrespective of the nature or size of their operation should be able to achieve this. Food hygiene ratings are published online at food.gov.uk/ratings, and businesses are encouraged to display certificates and stickers showing their food hygiene ratings at their premises where consumers can easily see them.
4. The FHRS incorporates safeguards to ensure fairness to businesses. This includes an appeal procedure, a 'right to reply' for publication (together with the food hygiene rating) at food.gov.uk/ratings, and a mechanism for requesting a re-inspection/re-visit for the purposes of re-rating when improvements have been made.

Development of the FHRS

5. The FHRS has been developed on the basis of advice and guidance from the Food Hygiene Ratings Steering Group.² This Group is independently chaired and includes local authority, consumer and food industry representatives as well as officials from the FSA, the Better Regulation Executive and the Local Better Regulation Office (LBRO).

¹ A different scheme – the Food Hygiene Information Scheme - operates in Scotland. Separate guidance relating to the implementation and operation of this scheme is available for local authorities in Scotland.

² Detailed information about the Food Hygiene Ratings Steering Group and its work can be found at: <http://www.food.gov.uk/enforcement/enfcomm/fhrssteeringgroup/>

Local authority guidance – the FHRs ‘Brand Standard’

6. This Guidance, which has been endorsed by the Food Hygiene Ratings Steering Group, is in question & answer (Q&A) format. It covers all aspects of implementation and operation of the FHRs. This includes:
- ‘Getting started’ ([Section 1](#));
 - Formal ‘sign up’ ([Section 2](#));
 - Scope ([Section 3](#));
 - Scoring using Annex 5 of the *Food Law Code of Practice* ([Section 4](#));³
 - Mapping of Annex 5 scores to the food hygiene rating ([Section 5](#));
 - Notification of food hygiene ratings ([Section 6](#));
 - Appeals and ‘right to reply’ ([Section 7](#));
 - Requests for re-inspections/re-visits for re-rating purposes ([Section 8](#));
 - Use of FHRs branding ([Section 9](#));
 - Use of the FHRs IT platform ([Section 10](#)); and
 - Establishing and operating a consistency framework ([Section 11](#)).

Resource materials

7. The FSA has developed a range of resource materials to help local authorities implementing and operating the FHRs. These will be updated regularly to reflect feedback from local authorities and any relevant developments. They will also be supplemented as necessary as the FHRs beds in. The materials are available at: www.food.gov.uk/fhrsresources.
8. The current range of resource materials includes:
- **A Communications Toolkit** – This includes advice and guidance on promoting the FHRs at the local level. It also includes template press releases and details of other promotional materials such as web banners, leaflets, posters etc, as well as details of how to order supplies of FHRs stickers and certificate paper. The Toolkit will be updated regularly.
 - **Information for elected members** – template briefings and presentations.
 - **Information for businesses** - template letters and presentations and an explanatory leaflet, *Good hygiene is good for your business*.
 - **Standard forms** – inspection form, appeal form, ‘right to reply’ form and request for a re-visit form.
9. There is also separate User Documentation for use with the FHRs IT platform which will be provided to participating local authorities.

³ See: <http://www.food.gov.uk/enforcement/enforcework/foodlawcop/>

Legal issues

10. The various legal questions relating to the implementation and operation of the FHRS, together with the FSA's views on these, are set out in 'Food Hygiene Rating Scheme/Food Hygiene Information Scheme - Legal issues' (September 2010) published at: www.food.gov.uk/fhrsresources.

FHRS evaluation

11. The FSA is committed to monitoring and evaluating the FHRS to review progress in implementing it and to assess its impact. This will consider:
- consumer awareness and understanding of the FHRS and its impact on consumer behaviour;
 - uptake by local authorities and the impact of the FHRS on the intervention-rating programme and on resources;
 - business understanding of the FHRS, levels of voluntary display, and the impact on compliance levels, and business turnover; and
 - impact on the incidence of foodborne illness.

An evaluation exercise has been commissioned. This commenced in autumn 2011 and is due to be completed in mid 2014. The FSA Board, the Food Hygiene Ratings Steering Group and stakeholders more generally will be kept up to date on a regular basis.

Review and revision of the Guidance

12. The Food Standards Agency will keep this Guidance under review as the FHRS beds in and will revise and update it, as necessary and appropriate, to reflect the experience of local authorities, any feedback from food businesses or from consumers, or other developments. It will also be reviewed and revised as and when appropriate following the formal evaluation of the FHRS.

Further information

13. For further advice or information please get in touch with the appropriate FSA office – contact details are provided below - or send email enquiries to hygieneratings@foodstandards.gsi.gov.uk.

Name	Telephone	Email
For local authorities in England – London office		
Emily Davis	☎ 020 7276 8445	emily.davis@foodstandards.gsi.gov.uk
For local authorities in Wales – Cardiff office		
Rob Wilkins	☎ 029 2067 8957	rob.wilkins@foodstandards.gsi.gov.uk
For local authorities in Northern Ireland – Belfast office		
Kathryn Baker	☎ 028 9041 7736	kathryn.baker@foodstandards.gsi.gov.uk

Section 1: 'Getting started'

Introduction

- 1.1 Local authorities implementing the FHRs fall into two categories:
- **'new scheme' authorities** - those operating a food hygiene rating scheme for the first time; and
 - **'migrating' authorities** - those migrating to the FHRs from an existing 'local' scheme.
- The Q&A in this Section aims to cover both situations.
- 1.2 The Q&A draws on the experience of local authorities that have introduced 'local' food hygiene rating schemes.
- 1.3 Many of the issues covered are common to both 'new scheme' and 'migrating' authorities. There are some additional factors that 'migrating' authorities will wish to consider and these are also highlighted.
- 1.4 This Section does not cover issues associated with the FHRs IT platform as these are addressed in [Section 10](#) but it does include matters associated with local authority database preparation.
- 1.5 Checklists, specifically for 'new scheme' authorities and for 'migrating' authorities, are provided to give an 'at a glance' outline of issues that local authorities should consider. These checklists follow the Q&A at pages 15 to 18.

Question and answer guidance

Q1. What are the first things that a local authority should do if it wants to operate the FHRs?

- A1. There are a number of initial activities that both 'new scheme' and 'migrating' authorities should do:
- Consider the resource implications for the authority to implement and operate the FHRs – these will vary between authorities depending, for example, on the business profile within the area, and may be different for 'new scheme' authorities and for 'migrating' authorities;
 - Secure agreement for joining the FHRs within the Food Safety Team and with senior management;
 - Secure support from elected Members for joining the FHRs (see Q&A 2);
 - Consider whether to 'go it alone' or join up with other local authorities, e.g. with neighbouring authorities, as part of a Food Liaison Group, or as a regional group;
 - Consider links with Economic Development and Business Advice work;
 - Arrange formal 'sign up' to the FHRs (see [Section 2](#)) by the appropriate local authority representative;
 - Consider project management techniques and tools to manage the implementation of the FHRs locally;

- Agree a timetable for implementation stages including launch, and for a communications strategy (liaising as necessary with the authority's communications team and press office);
- Agree the approach to launch - a staged & gradual approach or a critical mass approach using historical data or a combination of these approaches (see Q&A 3);
- Agree date for launch;
- Where a group of local authorities in a local or regional area are launching together, they should agree the timetable for implementation, the approach to launch, and a joint communications strategy; and
- Ensure appropriate resources are allocated to develop and implement the FHRS including appropriate and sufficient resources for database checks (see Q&A 8), appropriate professional resources and IT and administrative support.

Q2. How can political 'buy-in' from elected Members for the FHRS be secured?

A2. For both 'new scheme' authorities and 'migrating' authorities, there are considerable benefits in adopting the FHRS. The operation of a single national scheme will ensure clarity for consumers and greater consistency for businesses. Local authorities adopting the FHRS will benefit from the support package provided by the FSA. This includes this Guidance, consistency training, a Communications Toolkit, marketing and promotional materials, national promotion of the FHRS, and the IT platform/IT support.

On a practical level, the appropriate Member forum should be engaged to secure support for joining the FHRS. The FSA has prepared high-level briefing material that can be used to help inform elected Members about the FHRS and the benefits of the national approach. This is available at www.food.gov.uk/fhrsresources and may be tailored to each individual authority's requirements.

Q3. What are the options for launching the FHRS in terms of establishments that will have a food hygiene rating on day one?

A3. Two main approaches have been identified - the **staged & gradual approach** and the **critical mass approach** (so-called 'big bang').

- **Staged & gradual approach** - the FHRS is rolled out from a specific launch date with establishments rated as and when they receive their next planned inspection, partial inspection or audit.
- **Critical mass approach** - this may take two forms:
 - Option 1 - historical data may be used to rate establishments retrospectively from a pre-determined date (e.g. from 1 January 2006 when the EU food hygiene legislation came into force); or
 - Option 2 - establishments may be rated during inspections, partial inspections or audits in the current interventions programme and formal launch delayed until there are a sufficient number of establishments in the FHRS to create a critical mass (this should be as near to 100% of establishments as possible, at least in a clearly defined geographical area, but it will depend on local circumstances).

The preferred approach, for both 'new scheme' and 'migrating' authorities, is the **critical mass approach** as this is considered to be fairer to businesses and more helpful to consumers. A combination of a *critical mass* and a *staged & gradual approach* may well be more feasible. A *critical mass approach* might be used, for example, for a particular category of businesses (such as caterers), or businesses in a particular area (such as the city centre) combined with a *staged & gradual approach* for other categories or areas.

The decision, however, is for the local authority to make as local considerations may be a factor. Local authorities should consider the points below before making a decision.

Staged and gradual approach	Critical mass (so called 'big bang') approach
<p>Points to consider</p> <ul style="list-style-type: none"> • Less resource intensive as establishments can be phased into the FHS on a planned basis starting with specific areas or wards or by specific establishment type e.g. takeaways, restaurants etc. or as establishments receive an inspection, partial inspection or audit in accordance with the authority's planned intervention programme. • Gradual roll-out can assist in ironing out any problems early on, help trial procedures, control demand for re-inspections/re-visits, and engagement with businesses will be on a smaller scale. • Effort required to ensure that the momentum is maintained and that interest in the FHS is not lost. • Businesses who have not yet been included in the FHS may be disadvantaged as they will not be able to display a food hygiene rating. • Businesses will, however, be informed about the FHS before their next inspection, partial inspection or audit. • May be more difficult for 'migrating' authorities as having two schemes in place over a transitional period – with two sets of branding – is potentially confusing for consumers and for businesses. 	<p>Points to consider</p> <ul style="list-style-type: none"> • Resource intensive but momentum should not be lost as a considerable number of establishments will be part of the FHS from the launch. • Careful checks will need to be made if retrospective records are used in order to ensure that Annex 5 scoring has been carried out appropriately and interpreted in accordance with the guidance in Section 4. • Informing businesses of their food hygiene rating prior to publishing will allow issues to be dealt with before launch. • May generate a large number of enquiries that will need to be responded to, including requests to re-visit. • Potentially greater consumer awareness as more establishments will be rated so providing real consumer choice. • Easier to focus communications efforts where more businesses have been rated or when critical mass is reached. • May be easier for 'migrating' authorities in terms of removing 'old' certificates and/or stickers.

Q4. How should establishments that are subject to an 'alternative enforcement strategy' be dealt with?

A4. Historical inspection data could be used from a pre-determined date (e.g. 1 January 2006 when the EU hygiene legislation came into force).

Alternatively, such establishments can be brought into the scheme using a *staged & gradual approach* and rated at their next appropriate intervention (an inspection, partial inspection or audit).

Q5. What pre-launch activities should be carried out?

A5. The activities for 'new scheme' authorities and 'migrating' authorities differ in some respects so are listed separately below.

Activities for 'new scheme' authorities	Activities for 'migrating' authorities
<ul style="list-style-type: none"> • Identify (and tag for IT purposes) establishments which will and will not be part of the FHRS (status checks); • Undertake file and database checks and database cleansing; • Ensure necessary IT link is in place for publishing food hygiene ratings at food.gov.uk/ratings; • Establish consistency framework for operating the FHRS and ensure it is in place and that consistency and other relevant training is completed (see Section 11); • Ensure appropriate FHRS marketing and branding materials are available; • Ensure local liaison where more than one authority in the area or region are planning to launch the FHRS together; • Develop and begin to implement a strategy for communicating with local businesses (liaising with the authority's communications team/press office); • Develop and begin to implement a strategy for communicating with local consumers (liaising with the authority's communications team/press office); • Collect baseline figures of Annex 5 scores for establishments for future review and evaluation; • Ensure that the appeals procedure is in place (see Section 7). 	<ul style="list-style-type: none"> • Review 'local' scheme and identify difference in framework with that of the FHRS - this may include different scope, different scoring/banding, different symbols, absence of re-inspection/re-visit mechanism etc.; • Identify (and tag for IT purposes) establishments which will and will not be part of the FHRS (status checks); • Identify establishments where the current score or rating will go up or down in terms of tiers; • Ensure database records are up-to-date, accurate and in good order; • Ensure necessary IT link is in place for publishing food hygiene ratings at food.gov.uk/ratings; • Ensure appropriate FHRS marketing and branding materials are available • Establish consistency framework for operating the FHRS and ensure it is in place and that consistency and other relevant training is completed (see Section 11); • Ensure local liaison where more than one authority in the area or region are planning to launch the FHRS together; • Develop and begin to implement a strategy for communicating with local businesses (liaising with the authority's communications team/press office); • Develop and begin to implement a strategy for communicating with local consumers (liaising with the authority's communications team/press office); • Collect baseline figures of the Annex 5 scores for establishments for future review and evaluation; • Ensure that the appeals procedures is in place (see Section 7). • Ensure existing 'local' scheme branding is removed from local authority advertising or marketing materials and terminate online public access to 'local' scheme ratings, and ensure any weblinks direct consumers and businesses to food.gov.uk/ratings. • Ensure businesses are asked to remove any 'local' scheme stickers or certificates etc.

Q6. What are status checks and why are they required?

A6. These checks are needed to identify and tag for IT purposes which establishments fall outside the scope of the FHRIS and which fall within the scope. Each establishment is assigned a 'status' which determines whether or not it is given a food hygiene rating and what information will be published about it online.

Once the status of each establishment is determined, database checks - see Q&A 7 and 8 below - can be concentrated on those establishments that will be rated.

Advice on determining the status of establishments is given at [Section 3](#) and related IT issues are covered in [Section 10](#). For 'migrating' authorities, it will be necessary as part of the exercise to identify any establishments that were part of the 'local' scheme but will no longer be rated, and those that did not receive a score/rating under the 'local' scheme but will receive a food hygiene rating under the FHRIS.

Q7. What are the considerations when undertaking file and database checks and database cleansing?

A7. Records should be up-to-date, accurate, in good order and should be consistent with this Guidance. They should also take account of the agreed 'Data Standard' for the FHRIS IT platform (see [Section 10](#)).

In carrying out file and database checks, the following points should be considered:

- **Type of launch that is planned** - i.e. *staged & gradual approach* or *critical mass approach* as this will influence the size of the task and resources necessary;
- **Timing** - checks may be undertaken at the time of intervention where these are being undertaken as part of the current interventions programme or by desktop assessment. If the latter, records going back to the inspection, practical inspection or audit visit that generated the food hygiene rating to be published should be checked.
- **Resources** - sufficient resources should be made available for the checks - as a guide and on the basis of experience, it has been estimated that these checks and status checks together and can typically take 15 to 20 minutes per establishment;
- **Accuracy of Annex 5 scoring** – the Annex 5 scores given to the establishment should be checked against file records including the inspection report and relevant correspondence to ensure that they are accurate and consistent with the guidance in the *Food Law Code of Practice* and at [Section 4](#) of this document;
- **Errors** - if an error has been identified and is rectified, records of any changes should be retained - it may be appropriate for the officer to contact the business to identify current status such as whether it is trading or not and to confirm who the food business operator (FBO) is; and
- **Baseline records of Annex 5 scores at the time of joining the FHRIS** - these should be retained to enable tracking of scoring data and trends in food hygiene ratings.

Q8. What database checks are required?

A8. The following checks are required:

Record	Check
<ul style="list-style-type: none"> • Details of the FBO 	<ul style="list-style-type: none"> • Spelling, and check against food registration details.
<ul style="list-style-type: none"> • Business name or trading name 	<ul style="list-style-type: none"> • Spelling and format, and check against food registration details.
<ul style="list-style-type: none"> • Address 	<ul style="list-style-type: none"> • Spelling, format and address in full.
<ul style="list-style-type: none"> • Postcode 	<ul style="list-style-type: none"> • In full if the establishment has a postcode.
<ul style="list-style-type: none"> • Telephone number 	<ul style="list-style-type: none"> • Useful to have, to allow prompt contact with the FBO when necessary.
<ul style="list-style-type: none"> • Unique reference number 	<ul style="list-style-type: none"> • Relating to the establishment/intervention that gave rise to the food hygiene rating.
<ul style="list-style-type: none"> • Inspection date 	<ul style="list-style-type: none"> • Format as specified in the 'Data Standard' (see Section 10).
<ul style="list-style-type: none"> • Intervention-rating scores for all elements of the Annex 5 scheme 	<ul style="list-style-type: none"> • Check against the <i>Food Law Code of Practice</i> and guidance, all scores to be provided to ensure total score is given.
<ul style="list-style-type: none"> • Intervention rating category 	<ul style="list-style-type: none"> • Check A to E category specified.
<ul style="list-style-type: none"> • Establishment type 	<ul style="list-style-type: none"> • Check accuracy against database, any hard copy record and food registration details, and use of LAEMS coding or consistent abbreviation.
<ul style="list-style-type: none"> • Local authority name and unique LA identity code as used for LAEMS 	<ul style="list-style-type: none"> • Check what is used, particularly relevant for those authorities subject to unification.
<ul style="list-style-type: none"> • Status of establishment 	<ul style="list-style-type: none"> • Check if open, not trading or closed due to formal enforcement action.

Q9. What is required in order to link to the national IT platform?

A9. In the first instance, local authorities should email the FSA's Food Hygiene Ratings Team at: hygieneratings@foodstandards.gsi.gov.uk

The Team will provide the local authority with the necessary passwords and other login information.

Detailed IT User Documentation will also be provided.

Q10. What consistency checks are required and how should the consistency framework operate?

A10. Detailed guidance on establishing and operating a consistency framework for the FHRS is provided at [Section 11](#).

Q11. What consistency training is required and when?

A11. Consistency training should be carried out at the earliest opportunity and before launch. Local authorities should ensure that all relevant officers participate in training and that officers meet the competency requirements in the *Food Law Code of Practice*.

Additional information on consistency training is provided at [Section 11](#).

Q12. What other training is required and when?

A12. Separate IT User Documentation is available on the use of the IT platform and training will be provided by the FSA if appropriate and necessary.

It may be appropriate for relevant officers to receive media training.

Q13. What marketing and branding materials should be used and how should these be controlled?

A13. A local authority Communications Toolkit is available and includes template press releases, as well as details of where to download or order web banners, leaflets and posters that may be used to assist with promoting the FHRS.

The Toolkit, which will be regularly updated, is available at; www.food.gov.uk/fhrsresources

Use of FHRS branding is covered in [Section 9](#).

Q14. What should the communications strategy cover?

A14. The local authority's strategy should cover the timing and nature of communication with local businesses and local business groups or forums, and with consumers. It should also cover engagement with the local media both before and at launch and post-launch, liaising as necessary with the authority's press office.

The strategy should take account of the FSA's communications strategy for promotion of the FHRS at the national level⁴ and should also cover more specific promotion at the local level (the Communications Toolkit should be helpful in this respect).

Q15. Has the FSA produced any material that local authorities may use for communicating with businesses about the FHRS?

A15. A general explanatory leaflet for businesses – *Good hygiene is good for your business* – is available.⁵ It is intended that this is sent to businesses by local authorities prior to launch to provide general information on the FHRS and to advise that it is being introduced. It is suggested that an accompanying letter is also sent and includes the establishment name, address and registration information with a request for the FBO to update these details if they are incorrect.⁶

⁴ The FSA will regularly update local authorities on this.

⁵ Details of how to obtain copies of the leaflet are given in the Communications Toolkit.

⁶ Template letters that may be tailored by local authorities and used for this purpose are available at: www.food.gov.uk/fhrsresources

Q16. When and what should the local authority be communicating to local businesses?

A16. In determining this, local authorities should take account of FSA activities to promote the FHRS on a national basis. They should still communicate with businesses in their area in advance of launching the FHRS at the local level, and at as early a stage as possible (the Communications Toolkit provides advice on this – see Q&A 13).

As a minimum, a mail-shot to all food businesses within the scope of the FHRS should be undertaken and should:

- explain what the FHRS is about, how ratings are calculated, and describe what levels of achievement are required for each rating;
- highlight the food hygiene rating that the business would have achieved at its last inspection and what is required in order to improve that rating by drawing the business' attention to its last inspection report;
- explain that the business will be notified of its food hygiene rating, before it is published at food.gov.uk/ratings and outline the safeguards in place to ensure that businesses are treated fairly (appeals, requested re-inspections/re-visits and 'right to reply'); and
- provide details of where the business may get further advice.

For 'migrating' authorities, the mailshot should explain what changes will result from the adoption of the FHRS. Authorities may prefer to visit some establishments to explain the changes particularly where their new rating will be lower than under the existing scheme.

Q17. When and what should the local authority be communicating to local consumers?

A17. Consumer information is more appropriate when the FHRS is up and running and working satisfactorily. Advice on engagement with consumers and what information should be provided to them is given in the Communications Toolkit. A general explanatory leaflet for consumers - *Good food hygiene is getting easier to spot* - is available.⁷

Q18. What activities are needed at the launch of the FHRS?

A18. Once all pre-launch activities have been completed, the following actions should be undertaken:

- ensure all food business enquiries and any requests for re-assessment have been considered;
- ensure elected Members are briefed on launch;
- inform other local authority colleagues that have responsibility for establishments that have a catering service (e.g. residential care and nursing homes) about the FHRS;
- depending on the type of launch, issue all (or relevant) certificates/stickers in a single mailing or delivery as close to the launch date as possible but with sufficient time to allow them to arrive before the launch;

⁷ Details of how to obtain copies of the leaflet are given in the Communications Toolkit.

- whilst the display of ratings by businesses at their premises is voluntary, the publication of ratings at food.gov.uk/ratings is not, so it is important to allow time for potential difficulties or disputes from businesses to be dealt with before the ratings may be accessed by the public; and
- ensure effective management procedures are in place having regard to the consistency framework (see [Section 11](#)), such as for uploading new data at the appropriate frequencies, regular checks on food.gov.uk/ratings for data integrity and accuracy, and internal monitoring to ensure accuracy and consistency of interventions, Annex 5 scoring and operation of safeguards.

Checklists for local authorities adopting the FHRS

Checklist for 'new scheme' authorities

Stage 1 - getting started

- Consider resource implications.
- Secure agreement for joining the FHRS within the Food Safety Team and with senior management.
- Secure support from elected Members for joining the FHRS.
- Consider whether to 'go it alone' or join up with other local authorities.
- Consider links with Economic Development and Business Advice work.
- Arrange formal sign-up to the FHRS.
- Consider project management techniques and tools to manage the implementation of the FHRS.
- Agree a timetable for implementation of the FHRS and for a communications strategy.
- Agree on a staged, gradual approach or a critical mass approach to launch.
- Agree date for launch.
- If appropriate, agree the timetable for implementation, the approach to launch, and a joint communications strategy with other authorities in the area or region.
- Ensure appropriate resources are allocated for the work ahead.

Stage 2 - pre-launch activities

- Ensure all members of the Food Team are familiar with the guidance included in this 'Brand Standard'.
- Undertake status checks to determine whether or not each establishment should be given a food hygiene rating and what information should be published about it online.
- Undertake file and database checks and database cleansing:
 - Details of the FBO
 - Business name or trading name
 - Address and postcode
 - Telephone number
 - Unique reference number
 - Inspection date
 - Inspection/Intervention-rating score for all elements of the Annex 5 scheme
 - Intervention rating category
 - Establishment type
 - Authority name and unique LA identity code as used for LAEMS
 - Status of premises.
- Ensure link is in place for publishing food hygiene ratings at food.gov.uk/ratings.
- Establish a consistency framework and complete consistency and other relevant training.
- Ensure appropriate marketing and branding materials are available.
- Ensure local liaison where more than one authority in the area or region are planning to launch together.
- Develop and begin to implement a communications strategy, covering businesses, consumers and media.

Checklist for 'new scheme' authorities

Stage 3 - launch activities

- Respond to all food business enquiries and consider any requests for re-assessment.
- Brief elected Members on launch.
- Inform local authority colleagues that have responsibility for catering establishments (e.g. residential and nursing homes) about the FHRS.
- Depending on the type of launch, issue all (or relevant) certificates/stickers in a single mailing or delivery as close to the launch date as possible but with sufficient time to allow them to arrive before the launch.
- Ensure that web information does not go live earlier than the launch so that there is time for potential difficulties or disputes to be dealt with.
- Ensure effective management procedures are in place for uploading new data at the appropriate frequencies, regular checks on food.gov.uk/ratings for data integrity and accuracy and internal monitoring to ensure accuracy and consistency of interventions, Annex 5 scoring and operation of safeguards.

Checklist for 'migrating' authorities

Stage 1 - getting started

- Consider resource implications.
- Secure agreement for joining the FHRS within the Food Safety Team and with senior management.
- Secure support from elected Members for joining the FHRS.
- Consider whether to 'go it alone' or join up with other local authorities.
- Consider links with Economic Development and Business Advice work.
- Arrange formal sign-up to the FHRS.
- Consider project management techniques and tools to manage the implementation of the FHRS.
- Agree a timetable for implementation of the FHRS and for a communications strategy.
- Agree on a staged, gradual approach or a critical mass approach to launch.
- Agree date for launch.
- If appropriate, agree the timetable for implementation, the approach to launch, and a joint communications strategy with other authorities in the area or region.
- Ensure appropriate resources are allocated for the work ahead.

Stage 2 - pre-launch activities

- Review 'local' scheme and identify difference in framework of local scheme and the FHRS.
- Ensure all members of the Food Team are familiar with the guidance included in this 'Brand Standard'.
- Undertake status checks to determine whether or not each establishment should be given a food hygiene rating and what information should be published about it online and identify establishments that were previously scored/rated but that will no longer be rated.
- Identify establishments where the current score/rating will go up or down the tiers with the introduction of the FHRS.
- Undertake file and database checks of establishments that will be rated under the FHRS but were not previously scored/rated to ensure records are up to date, accurate and in good order with specific reference to:
 - Details of the FBO
 - Business name or trading name
 - Address and postcode
 - Telephone number
 - Unique reference number
 - Inspection date
 - Inspection/Intervention-rating score for all elements of the Annex 5 scheme
 - Intervention rating category
 - Establishment type
 - Authority name and unique local authority identity code as used for LAEMS
 - Status of premises.
- Ensure link is in place for publishing food hygiene ratings at food.gov.uk/ratings.
- Establish a consistency framework and complete consistency and other relevant training.
- Ensure appropriate marketing and branding materials are available.
- Ensure local liaison where more than one authority in the area or region are planning to launch together.
- Develop and begin to implement a communications strategy covering businesses, consumers and media.
- Ensure existing 'local' scheme branding is removed from local authority advertising or marketing materials and terminate online public access to 'local' scheme ratings, and ensure any weblinks direct consumers and businesses to food.gov.uk/ratings.
- Ensure businesses are asked to remove any 'local' scheme stickers or certificates etc.

Checklist for 'migrating' authorities

Stage 3 - launch activities

- Respond to all food business enquiries and consider any requests for re-assessment.
- Brief elected Members on launch.
- Inform local authority colleagues that have responsibility for catering establishments (e.g. residential and nursing homes) about the FHRS.
- Depending on the type of launch, issue all (or relevant) certificates/stickers in a single mailing or delivery as close to the launch date as possible but with sufficient time to allow them to arrive before the launch.
- Ensure that web information does not go live earlier than the launch so that there is time for potential difficulties or disputes to be dealt with.
- Ensure effective management procedures are in place for uploading new data at the appropriate frequencies, regular checks on food.gov.uk/ratings for data integrity and accuracy and internal monitoring to ensure accuracy and consistency of interventions, Annex 5 scoring and operation of safeguards.

Section 2: Formal 'sign up'

Introduction

- 2.1 Consistent implementation and operation of the FHRs is critical to ensuring that consumers are able to make meaningful comparisons of food hygiene ratings for businesses both within a single local authority area and across different local authority areas. It is also critical to ensuring that businesses are treated fairly and equitably.
- 2.2 The FSA and local authorities participating in the FHRs both have a role to play in achieving such consistency. In order to demonstrate their commitment to working in partnership and fulfilling their respective responsibilities, the FSA and each participating local authority will sign a formal agreement. The agreement is based on the 'Brand Standard' for the FHRs which, in effect, is the guidance provided in the other sections of this document. The aim is to ensure that where establishments are rated under the FHRs and where consumers see the FHRs branding, they can be confident that the local authority is operating the FHRs as the FSA intends.
- 2.3 Guidance on the 'sign up' process is set out in Q&A format below.

Question and answer guidance

Q1. Why are local authorities required to 'sign up' formally to the FHRs given that its adoption is voluntary?

- A1. In order to demonstrate their commitment to operating the FHRs in a consistent and fair manner, it is appropriate to invite participating local authorities to agree to specified conditions in order to safeguard the credibility and integrity of the scheme.

Q2. What form will 'sign up' take and who will be required to sign?

- A2. Each participating local authority and the FSA will sign an 'agreement' - an example is provided at [Appendix 1](#).

Agreements with local authorities in England will be signed on behalf of the FSA by the Operations Group Director. Agreements with local authorities in Wales and Northern Ireland will be signed respectively by the Directors of the FSA's offices in Cardiff and Belfast.

Agreements should be signed on behalf of the local authority at a senior level, for example, by the Chief Executive, Leader of the Council or Portfolio Holder.

Q3. What commitments will the FSA make?

- A3. The FSA is committed to keeping the guidance on implementation and operation of the FHRs under review. It will revise and update it as necessary to reflect the experience of local authorities operating the FHRs and any feedback from food businesses or consumers, and in order to ensure that its application does not compromise public health protection.

The FSA is also committed to fulfilling its role in monitoring and auditing the implementation and operation of the FHRs (see [Section 11](#)), and to working with local authorities to resolve any issues identified through this.

Q4. What commitments will local authorities make?

A4. Local authorities will be required to follow in full the FHRS 'Brand Standard'.

Q5. What is meant by the FHRS 'Brand Standard'?

A5. The 'Brand Standard', in effect, is the guidance provided in the other sections of this document.

Q6. Will agreements with individual local authorities differ in content?

A6. No. The agreement with each participating local authority will be the same.

Q7. What if a local authority subsequently wishes to withdraw from the FHRS?

A7. As it is voluntary for local authorities to participate, they can withdraw their participation if they wish to do so.

Authorities that are considering withdrawing should contact the FSA as early as possible to discuss the reasons for this. They should also give at least 14 days⁸ prior notice before formally terminating the 'sign up' agreement. This will provide an opportunity to try to resolve any issues/concerns and, where appropriate, to discuss whether additional support can be provided to allow the local authority to continue operating the FHRS.

Q8. What will happen if a local authority 'signed up' to the FHRS is unable to fulfil its responsibilities under its agreement?

A8. The agreement between the local authority and the FSA highlights the responsibilities of each with regards to the operation of the FHRS.

Where local authorities encounter difficulties in following the 'Brand Standard' in full, the FSA is committed to working with them to resolve matters to ensure that the credibility and integrity of the FHRS is not compromised. In this respect, local authorities are encouraged to give early warning of any emerging problems so that advice and support may be offered.

Support may also be offered by other authorities through Food Liaison Groups, FHRS Local Authority fora, and the Regulatory Support Unit of the Local Government Group etc.

The FSA is also committed to reviewing and evaluating the FHRS in conjunction with local authority partners.

Where issues cannot be resolved by the above means the FSA may, as a last resort, consider terminating the agreement such that the local authority will be unable to use the FSA's brand. In such circumstances, unless there are immediate risks to public health protection, the FSA will give the local authority at least 14 days prior notice that it is considering this option. This will provide a further opportunity to work together to resolve any issues.

Q9. In what circumstance will the FSA consider terminating the agreement?

A9. The FSA will consider terminating the agreement only when there is a failure to resolve matters informally – see above. Such circumstances may, for example, be where there is evidence that the local authority is failing to follow the FHRS 'Brand Standard' in full such that the credibility and integrity of the FHRS is compromised (for instance where businesses are being treated unfairly or inequitably or consumers are being misled).

⁸ Where reference to numbers of 'days' are made in this guidance it includes weekends and bank holidays.

Q10. What will the process be for terminating the agreement and what actions will follow?

A10. Where the local authority has made a decision to terminate the agreement, it should notify the FSA in writing outlining the reasons for this.

Where the FSA has decided to terminate the agreement, the local authority will be notified in writing of the FSA's decision and the reasons for this. The local authority can appeal this decision – see Q&A 11 – but it should be noted that termination of the agreement is not suspended during the period in which such an appeal can be made or pending the outcome of an appeal once lodged.

Irrespective of which party terminates the agreement, the following steps must also be taken to ensure that the credibility and integrity of the FHRS is not compromised and to ensure that the reputations of the FSA, of the local authority concerned and of businesses in the relevant area are safeguarded.

- The FSA will:
 - immediately notify stakeholders that the local authority is no longer participating in the FHRS by means of an announcement at food.gov.uk/ratings on both the home page and on the local authority's own page;
 - immediately suspend the local authority's access to the national database so that no further ratings can be published; and
 - within 14 days, remove the local authority's existing ratings from public access.
- The local authority will:
 - if it also publishes ratings on its own website, immediately notify local stakeholders that the authority is no longer operating the FHRS by means of an announcement on an appropriate website page, and within 14 days, remove any published ratings from its site;
 - remove any FHRS branding from its website;
 - suspend distribution of any marketing and advertising material that incorporates FHRS branding;
 - remove stickers/certificates from display in food business establishments as soon as possible and at the next planned intervention of that establishment at the latest;
 - advise businesses in the area that the FHRS no longer operates and that the continued use of any branded materials for marketing and advertising purposes may constitute an offence under trading standards legislation, and
 - confirm to the FSA that these actions have been taken.

Q11. What if the local authority disagrees with the FSA's decision to terminate its agreement?

A11. If the local authority considers that this decision is unjust it can within 14 days of being notified of the FSA's decision ask for the matter to be referred to an Advisory Disputes Panel (see Q&A 12).

The Advisory Panel will be convened and will investigate the matter and report its findings and recommendations within six weeks.

The FSA will review the Panel's report and within 14 days will notify the local authority of its decision as to whether it accepts the Panel's view.

If the local authority remains dissatisfied its Chief Executive can within 14 days request that the dispute be referred to the FSA's Chief Executive.

The FSA's Chief Executive will review the case and the Panel's report and issue a final decision that will be notified to the local authority within 14 days.

Q12. What will be the membership of the Advisory Disputes Panel?

A12. Membership will comprise representatives from or nominated by the Regulatory Support Unit of the Local Government Group and the Chartered Institute of Environmental Health as well as consumer and food industry representatives. The Panel will elect its own chair and the Secretariat function will be provided by the FSA.

Section 3: Scope

Introduction

- 3.1 The **scope** of the FHRs **extends to establishments supplying food direct to consumers**. This includes restaurants, cafes, takeaways, sandwich shops and other places where people eat food prepared outside of the home, as well as food retailers. The aim is to provide information on hygiene standards to consumers in circumstances where they are making a choice about eating or purchasing food. Certain businesses that supply food direct to consumers are, however, not given a rating because specific circumstances apply.
- 3.2 Guidance in Q&A format is provided below to assist local authorities in determining if establishments should be rated under the FHRs. Establishments fall into three broad categories:
- those that supply food direct to consumers (fall within the scope of the FHRs) and should be rated;
 - those that supply food direct to consumers (fall within the scope of the FHRs) but are not rated because specific circumstances apply; and
 - those that do not supply food direct to consumers (fall outside the scope of the FHRs) and are therefore not rated.
- 3.3 The decision tree at page 27 may also assist local authorities when considering which establishments should be rated (guidance on the status of each establishment for the purposes of IT is provided in Section 10).
- 3.4 Local authorities may also get an initial steer on how to categorise food business establishments from the FSA's Local Authority Enforcement Monitoring System (LAEMS) guidance. This is available at:
<http://www.food.gov.uk/enforcement/auditandmonitoring/laems/definitions/>

Question and answer guidance

Q1. How is the scope of the FHRs defined?

- A1. The scope extends to all food establishments to which registration requirements apply and which supply food directly to consumers for consumption either on or off the premises.⁹ Each registered food business establishment within the scope should receive a food hygiene rating under the FHRs when they are inspected unless specific circumstances apply (see Q&A 15 to 17).

Approved establishments may have a retail element. Although this retail element does not require a separate registration, it will fall within the scope of the FHRs and should receive a food hygiene rating when it is inspected unless specific circumstances apply (see Q&A 15 to 17).

⁹ Food business operators must register new food business establishments at least 28 days before food operations commence.

Q2. What categories of food business establishments fall within the scope?

A2. 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. Establishments where public access is limited but where food is prepared, cooked, or handled and served to consumers, such as schools, nurseries and residential care homes, are also included. Some establishments within these categories will not be given a food hygiene rating because specific circumstances apply (see Q&A 15 to 17).

Q3. What categories of food business establishment are outside the scope?

A3. Establishments that do not supply food direct to consumers fall outside the scope and should not be rated under the FHRS. This includes primary producers, manufacturers and packers, importers and exporters, distributors (including wholesalers, and other inter-business suppliers) and transporters. Examples of the types of business included in these categories may be found at: <http://www.food.gov.uk/enforcement/auditandmonitoring/laems/definitions/>

Where wholesalers, e.g. cash & carries, are supplying food direct to consumers as well as to other businesses, they fall within the definition of scope and should be rated.

Q4. How should local authorities deal with requests from FBOs of 'excluded' establishments (such as manufacturers) to opt into the FHRS?

A4. Following discussions at the November 2011 Board meeting, it is the FSA's intention to consult on extending the scope of the scheme to such businesses.

In the meantime, businesses that request to 'opt in' should be advised that they are outside of the FHRS at present.

This differs from the approach that should be taken to requests to opt into the FHRS from FBOs where their establishment falls within the scope but where they are not routinely given a rating because specific circumstances apply (see Q&A 18).

Q5. Are mobile food units included within the scope and, if so, which food authority should be responsible for rating them?

A5. Mobile food units (both retail and catering units) fall within the definition of scope and should, therefore be rated unless any of the specific circumstances set out at Q&A 15 to 17 apply.

As a general rule, it is the responsibility of the 'registering authority' to determine the food hygiene ratings of mobile food units and publish them at food.gov.uk/ratings, to deal with appeals against ratings, to deal with requests for re-inspections/ re-visits and to deal with requests to publish a 'right to reply'.

In cases where the mobile unit operates only within the area in which it is registered this is straightforward.

In other cases, the 'registering authority' must take account of information supplied to it by 'inspecting authorities' in determining the rating and in deciding when this should be revised, and in dealing with appeals against ratings and with requests to publish a 'right to reply'.

The 'registering authority' may transfer its responsibility for rating the mobile unit and the associated activities to an 'inspecting authority' with that authority's agreement. This may occur, for example, where a mobile trader is registered with the 'registering authority' but never trades within that authority's area but trades exclusively in another authority's area. In these cases, the authority that has accepted

responsibility as the 'responsible authority' will publish the rating and right to reply submissions on food.gov.uk/ratings and take account of information supplied by other 'inspecting authorities' (if applicable) in determining the rating, dealing with appeals and requests for re-inspections. Confirmation of any such agreement should be made in writing and the 'registering authority' should record on file that an agreement is in place. If the 'registering authority' receives any requests for information on the mobile food unit from other 'inspecting authorities', it can refer these to the 'responsible authority'.

This reflects the advice given on the registration of mobile food establishments at Section 1.5.1 of the recently revised Food Law Practice Guidance – see: <http://www.food.gov.uk/enforcement/enforcework/foodlawcop/copenland/>¹⁰

For mobile units that have been registered in Scotland and have been assessed as part of the Food Hygiene Information Scheme (FHIS), but are trading elsewhere in the UK, the 'inspecting authority' should contact the local authority in Scotland that issued the FHIS certificate if significant issues are identified so that that authority may take this information into account.

Q6. Are market stalls and occasional markets included within the scope and should they be rated?

A6. Market stalls and occasional markets fall within the definition of scope and should, therefore, be rated where this is feasible and practical unless any of the specific circumstances set out at Q&A 15 to 17 apply.¹¹

Given the range in nature of these market stalls/markets, arrangements for undertaking interventions and rating are best determined at the local level but the key point is that the 'inspecting' authority liaises with the 'registering' authority in order to avoid duplication of interventions and rating. Again, local Food Liaison Groups may provide a suitable forum for discussion and agreement of arrangements.

Q7. Are public houses included within the scope of the FHRs and should they be rated?

A7. Yes, public houses fall within the definition of scope and should, therefore, be rated. This includes those that only serve drinks - 'wet pubs'.

Q8. Are bed and breakfast establishments, guest houses and hotels within the scope of the FHRs and should they be rated?

A8. Unless any of the specific circumstances set out at Q&A 15 to 17 apply, these are included within the scope of the FHRs - even if only open for a few months a year and should be given a rating.

As is the case for other 'low risk' establishments that should receive a food hygiene rating, historical data may be used when the FHRs is launched or a *staged & gradual approach* can be taken to bring them into the scheme and they can be rated at their next appropriate intervention (see [Section 1](#), Q&A 4).

¹⁰ The revised Food Law Practice Guidance which is due to be issued in January 2012.

¹¹ It is acknowledged that because there is usually only short advance notice of occasional markets taking place, and that such events are usually of short duration, it is not always feasible to inspect, rate and issue an FHRs certificate and sticker.

Q9. Do village halls, community centres and similar establishments fall within the scope of the FHRS and should they be rated?

A9. Arrangements at these establishments vary significantly so it is difficult to be prescriptive and each set of circumstances should be considered on its merits and professional judgement exercised. In doing so, the following can be taken into account:

- Is it a registered food business?
- Does it supply food direct to the consumer?
- Is the hall or centre a 'low risk' establishment not generally seen by the consumer as a food business?

The scheme is not intended to change which entities should be registered as a food business and, therefore, require an intervention.

Where the hall or centre's owners do not provide food, only facilities, the business would be excluded from the scheme as it is not supplying food direct to the consumer.

If only 'low risk' foods, e.g. teas/coffees and biscuits, are being provided as a peripheral part of a business's activities, it would not be rated. If regular full meals are being provided, e.g. a luncheon club, it would be given a rating.

In some circumstances, there may be more than one registered food business using the same hall being rated as part of the scheme.

Q10. Do Armed Forces, Police and Crown establishments fall within the scope of the FHRS and should they be rated?

A10. Armed Forces, Police and Crown establishments are, like other food business establishments, subject to the requirements of food hygiene legislation and inspected in accordance with the *Food Law Code of Practice*. They also fall within the defined scope of the FHRS.

The inherent security sensitivities, however, should be taken into account in deciding whether or not to rate the establishment.

Where a decision is made not to rate, but the FBO requests it, a food hygiene rating and a corresponding certificate and sticker may still be issued.

Information on these establishments should be uploaded to the local authority portal of the IT platform so that certificates can be generated. No information, however, will be published at food.gov.uk/ratings unless specifically requested by the FBO.

Q11. Should ships and vessels be rated?

A11. If a vessel is registered as a food business and is intervention-rated (using Annex 5 of the *Food Law Code of Practice*) then it would seem appropriate for it to be given a hygiene rating, e.g. ferries which go back and forth from the same points, river boats and floating restaurants.

The decision to rate each of these vessels may depend on how often they are in an area (like mobile traders).

Not all vessels, however, are intervention-rated, e.g. cruise liners that have ship's hygiene certificates, and are subject to a different inspection strategy to the intervention rating scheme, and LAs should not change their existing practices and start using Annex 5.

Q12. When should new establishments be rated?

A12. New establishments should be given an 'awaiting inspection' certificate and sticker if requested by the FBO when they register, and should be rated under the FHRS at the first inspection, partial inspection or audit unless any of the specific circumstances set out at Q&A 15 to 17 apply. The aim is to ensure fairness to businesses and aid consumer understanding.

In cases of a change in FBO, the establishment should be registered and treated as new, and a new food hygiene rating should be given at the first inspection, partial inspection or audit. It is important that the food hygiene rating for the previous FBO is removed from food.gov.uk/ratings, and it is clear that the 'new' establishment is 'awaiting inspection'.

In cases where there is solely a change to the name of the establishment but the FBO is the same, a new certificate and sticker should be issued in the new name but a new food hygiene rating should not be given.

In cases where the FBO moves to new premises, the new establishment should be registered by the appropriate local authority and a new food hygiene rating given at the first inspection, partial inspection or audit.

Q13. Where establishments falling within the scope comprise different units, should each unit be rated separately?

A13. Each registered food business establishment should receive a rating. Thus, where the individual units are registered as a single food business establishment - e.g. a supermarket with an in-house bakery or butchers or in-house coffee shop or restaurant, or co-located petrol station with a mini-supermarket function- a single food hygiene rating should be given. Local authorities, in line with the better regulation and Hampton principles (no inspection without a reason etc.) should wherever possible intervention-rate the establishment as a single entity at an inspection, partial inspection or audit and providing that sufficient information is obtained by the officer to make a judgement on compliance rather than deal with different units separately. The authority may then focus on different areas/aspects when they carry out other interventions.

Where the units are registered as separate food business establishments - e.g. a supermarket with a coffee shop or restaurant under the control of a different FBO, or a co-located petrol station with a mini-supermarket function covered by a different registration - separate food hygiene ratings should be given.

Q14. Where legal action is in progress or is being considered, is the establishment within the scope of the FHRS, and should it be rated?

A14. If the establishment is supplying food directly to consumers for consumption either on or off the premises, it falls within the scope of the FHRS unless it is covered by any of the specific circumstances set out at Q&A 15 to 17). Whether the establishment receives a food hygiene rating or not is, however, dependent on the nature of the action being taken:

- if the establishment has been closed because of an imminent risk to public health, it should not be rated whilst it remains closed, i.e. is not trading;
- if the establishment is still trading and still supplying food to the public, it should receive a food hygiene rating which should be published at food.gov.uk/ratings.

Q15. What are the specific circumstances that mean some establishments within the scope should not be rated?

A15. In line with the decisions made by the FSA's Board, where the following specific circumstances apply, no rating should be given:

- 'low-risk' establishments which are not generally recognised by consumers as being food businesses (see Q&A 16); and
- certain establishments operating from private addresses (see Q&A 17).

This point will be kept under review and more definitive guidance provided once the FHRs beds in.

Q16. What types of businesses constitute 'low-risk' establishments which are not generally recognised by consumers as being food businesses?

A16. Some types of business operations are required to register as food business establishments but their primary business or activity is not food-related and they are not seen as food businesses by consumers as the food activity is only a small element of the businesses in comparison with its main activity. Each set of circumstances should be considered on its merits taking into account the type of foods sold and the type of controls required to ensure food safety. Examples include:

- visitor centres and similar establishments selling tins of biscuits or other wrapped goods amongst a range of other goods;
- leisure centres with only food vending machines selling only drinks or low-risk foods;
- newsagents only selling pre-packed confectionery (and petrol stations with a retail element akin to such newsagents rather than a small supermarket);
- chemist shops selling pre-packed confectionery and/or health foods; and
- off licences.

Q17. What is meant by 'certain establishments operating from private addresses'?

A17. This is mainly childminders, but also includes other establishments where caring services are being provided in the home environment as part of a family unit (as opposed to residential care as referred to in Q&A 2). These establishments should not be rated. They can, however, opt in - see Q&A 18 - in which case they can be given a rating which they can share with potential users of their service but no information should be published at food.gov.uk/ratings even if the FBO requests this given the need to ensure protection of children and vulnerable adults.

This does not include home caterers. They should be given a food hygiene rating as consumers would very much expect them to be part of the FHRs. As regards publishing these ratings at food.gov.uk/ratings, careful handling is required and only partial address details should be published unless the FBO gives express permission for full address details to be published.

Q18. How should food authorities deal with requests to opt into the FHRs from FBOs where their establishment is not rated because the specified circumstances set out at Q&A 15 to 17 apply?

A18. If the FBO considers that consumers perceive their establishment to be a food business, the local authority should agree to a request to rate the establishment. This provides a safeguard to the operator where they consider that a lack of food hygiene rating is prejudicial to trade.

This issue will be kept under review and the guidance revised if appropriate to help ensure consistency in approach.

Q19. Should all establishments be listed at food.gov.uk/ratings, and what details should be published?

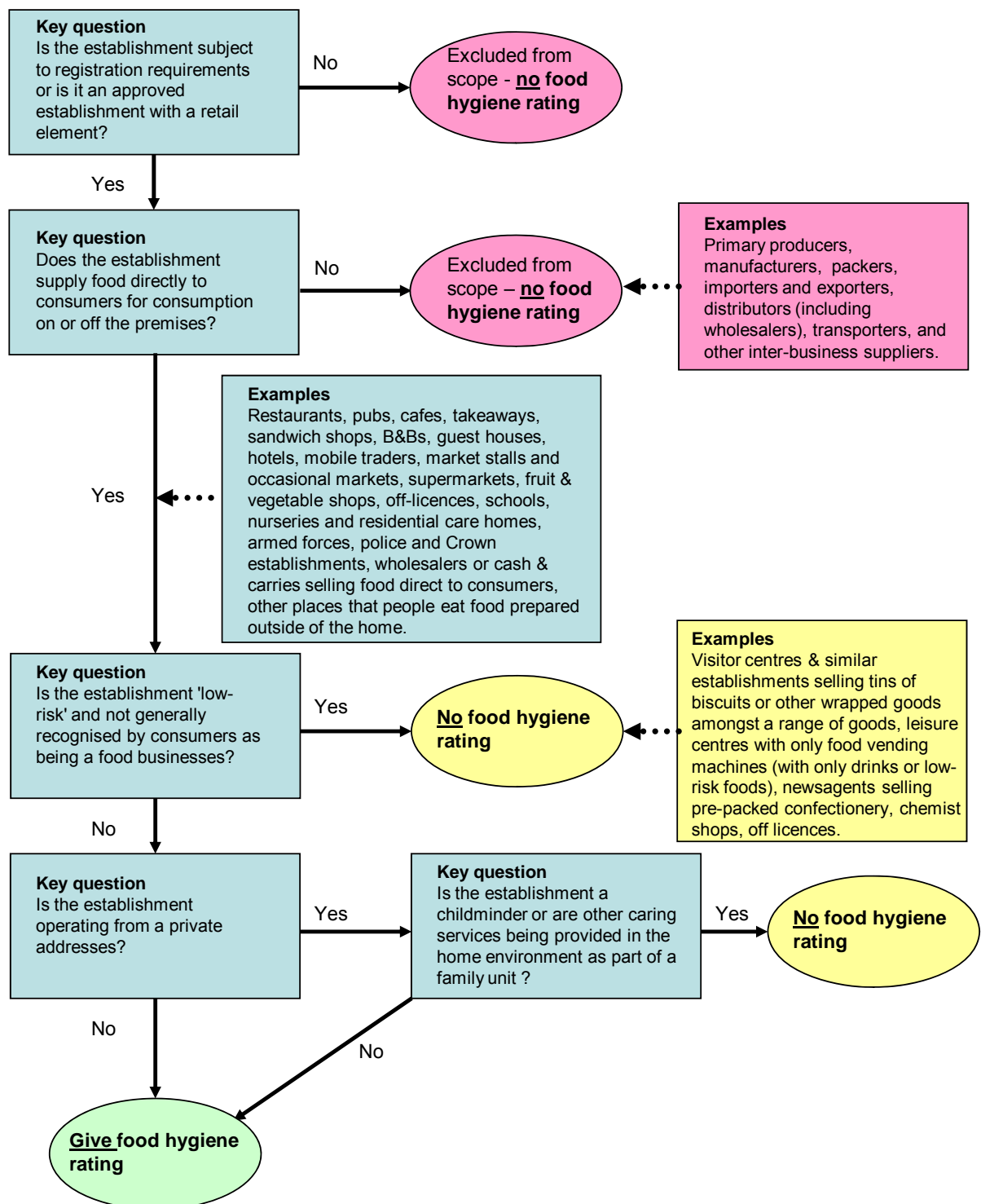
A19. No. The following types of establishments should not be listed:

- those that fall outside the scope of the scheme;
- Armed Forces, Police and Crown establishments (unless express permission has been given); and
- childminders and other establishments where caring services are being provided in the home environment.

All other establishments that fall within the scope of the FHRS should be listed but if they operate from a private address, only partial address information should be published (see [Section 10](#), Q&A 4)) unless the FBO has given express permission for the full address to be published.

The 'Frequently Asked Questions' Section at food.gov.uk/ratings describes the types of businesses that are included in the scope of the FHRS and also highlights the reasons why some will not get a rating and why some will not be listed on the site.

Decision tree for determining which types of establishments should receive a food hygiene rating



Section 4: Scoring using Annex 5 of the *Food Law Code of Practice*

Introduction

- 4.1 The basis for the FHRS is the 'food hygiene intervention rating scheme' at Annex 5 of the *Food Law Code of Practice*. As establishments can only be given an intervention rating at an inspection, partial inspection or audit, it follows that a food hygiene rating may only be given following this type of intervention. The exception is where a re-assessment of the food hygiene rating is requested by the FBO and this is covered in [Section 8](#)). No rating can be based or changed on the basis of self assessment by the FBOS, e.g. by questionnaire.
- 4.2 The following elements of the 'food hygiene intervention rating scheme' are relevant to calculating the food hygiene rating:
- level of (current) compliance with food hygiene and safety procedures (including food handling practices and procedures, and temperature control),
 - level of (current) compliance with structural requirements (including cleanliness, layout, condition of structure, lighting, ventilation, facilities etc.), and
 - confidence in management/control procedures.
- 4.3 The table below sets out the *Code of Practice* guidance on scoring for the purposes of intervention-rating for each of these three elements, and specifically for each of the scores from 30 to 0. It also includes descriptions of the standards that would, in practice, be expected of a business in order to achieve these scores **for the purposes of intervention-rating**. The standards are summarised in the 'at a glance' chart at pages 46 to 48.
- 4.4 The *Code of Practice* guidance on scoring was drawn up in such a way that the measures that some businesses have put in place that are over and above the legal obligations are recognised – such businesses receive the lowest scores and, therefore, are subject to less frequent interventions. These measures which are apparent at scores of '0' are highlighted in **bold italicised red text**. It should be noted that an establishment can achieve a top food hygiene rating by scoring '5' for each of the three elements used for the FHRS.
- 4.5 It is important to note that one of the basic principles underlying use of the Annex 5 is that officers should use the full range of scores available within the system, as the purpose of the intervention-rating system will be frustrated by cautious marking or by a reluctance to recognise effective management/control systems.
- 4.6 As regards *Industry guides to good hygiene practice*, it is important to note that these include guidance on compliance with legal requirements and advice on good practice.¹²

¹² Further information at: <http://www.food.gov.uk/foodindustry/regulation/hygleg/hyglegresources/goodpractice>

Description of the standards

Notes – text in ***bold italicised red text*** indicates potential ‘gold-plating’.

Level of (current) compliance with food hygiene and safety procedures	
Score	Guidance/Description
25	<p><u>Code of Practice guidance</u></p> <p>General</p> <p>The score should reflect compliance observed during the inspection according to the guidance set out below. <i>Adherence to any relevant UK or EU Industry Guide to Good Hygiene Practice should be considered when assessing compliance. Conformity with relevant national guidelines or industry codes of recommended practice will also be necessary to score 0 or 5.</i></p> <p>Specific guidance on score of 25</p> <p>Almost total non-compliance with statutory obligations.</p> <p><u>Description of what 25 looks like in practice</u></p> <p>Evidence of almost total non-compliance with legal requirements. Imminent and serious risks.</p> <p>Follow-up action by the local authority in accordance with its enforcement policy using a graduated approach but likely to include consideration of prohibition procedures where there is imminent risk and ongoing formal enforcement action, and re-visits within a short timescale to secure compliance.</p> <p>Follow-up action identified for food business operator - immediate and significant action required in respect of all serious risks. Address all other matters within stipulated timescale.</p> <p>Very poor food hygiene practices, serious food contamination risks, inadequate temperature control for high-risk foods and major improvement needed in all areas.</p> <p>Almost total non-compliance in food hygiene and safety procedures (e.g. evidence of actual cross-contamination, food kept out of temperature control, fridge not operating at correct temperature).</p> <p>Failure to apply any of (i.e. all) the control measures required to prevent cross-contamination.</p> <p>Almost total non-compliance with requirements for safe food preparation, cooking, re-heating, cooling or storage of food identified.</p> <p>Evidence of almost total non-compliance with the compliance elements of industry guides to good hygiene practice (that have been recognised formally by the FSA) on food handling practices and procedures, staff personal hygiene and temperature control.</p>

Level of (current) compliance with food hygiene and safety procedures	
Score	Guidance/Description
20	<p><u>Code of Practice guidance</u></p> <p>General</p> <p>The score should reflect compliance observed during the inspection according to the guidance set out below. <i>Adherence to any relevant UK or EU Industry Guide to Good Hygiene Practice should be considered when assessing compliance.</i></p> <p><i>Conformity with relevant national guidelines or industry codes of recommended practice will also be necessary to score 0 or 5.</i></p> <p>Specific guidance on score of 20</p> <p>General failure to satisfy statutory obligations – standards generally low.</p>
	<p><u>Description of what 20 looks like in practice</u></p> <p>Evidence of major and widespread non-compliance with legal requirements in relation to food hygiene and safety procedures.</p> <p>Widespread and significant risks.</p> <p>Follow-up action by the local authority in accordance with its enforcement policy using a graduated approach but likely to include commencement of formal enforcement action, including consideration of prohibition procedures where control measures required to prevent cross-contamination are not in place and re-visiting the establishment to secure compliance.</p> <p>Follow-up action identified for food business operator – to address all identified non-compliances as a matter of urgency within stipulated timescale.</p> <p>Poor standard of hygienic food handling, temperature control and staff personal hygiene and major improvements required.</p> <p>Inadequate implementation of many of the control measures required to prevent cross-contamination.</p> <p>Major and widespread non-compliance with requirements for safe food preparation, cooking, re-heating, cooling or storage of food identified (e.g. inadequate cooking times).</p> <p>Evidence of major and widespread non-compliance with the compliance elements of industry guides to good hygiene practice (that have been recognised formally by the FSA) on food handling practices and procedures, staff personal hygiene and temperature control.</p>

Level of (current) compliance with food hygiene and safety procedures	
Score	Guidance/Description
15	<p><u>Code of Practice guidance</u></p> <p>General</p> <p>The score should reflect compliance observed during the inspection according to the guidance set out below. <i>Adherence to any relevant UK or EU Industry Guide to Good Hygiene Practice should be considered when assessing compliance.</i></p> <p><i>Conformity with relevant national guidelines or industry codes of recommended practice will also be necessary to score 0 or 5.</i></p> <p>Specific guidance on score of 15</p> <p>Some major non-compliance with statutory obligations – more effort required to prevent fall in standards.</p> <p><u>Description of what 15 looks like in practice</u></p> <p>Evidence of some major non-compliance with legal requirements in relation to food hygiene and safety procedures.</p> <p>Some significant risks.</p> <p>Follow-up action by the local authority in accordance with its enforcement policy using a graduated approach but likely to include a warning letter, and consideration of formal enforcement, including prohibition procedures where control measures required to prevent cross-contamination are not in place, and re-visiting the establishment to secure compliance.</p> <p>Follow-up action identified for food business operator – to address all identified non-compliances within stipulated timescale.</p> <p>Examples of non-compliance may include poor stock rotation or poor personal hygiene. Inadequate implementation of some of the control measures required to prevent cross-contamination.</p> <p>Some major non-compliance with requirements for safe food preparation, cooking, re-heating, cooling or storage of food identified.</p> <p>Evidence of some major non-compliance with the compliance elements of industry guides to good hygiene practice (that have been recognised formally by the FSA) on food handling practices and procedures, staff personal hygiene and temperature control.</p>

Level of (current) compliance with food hygiene and safety procedures	
Score	Guidance/Description
10	<p><u>Code of Practice guidance</u></p> <p>General</p> <p>The score should reflect compliance observed during the inspection according to the guidance set out below. <i>Adherence to any relevant UK or EU Industry Guide to Good Hygiene Practice should be considered when assessing compliance.</i></p> <p><i>Conformity with relevant national guidelines or industry codes of recommended practice will also be necessary to score 0 or 5.</i></p> <p>Specific guidance on score of 10</p> <p>Some non-compliance with statutory obligations and <i>industry codes of recommended practice</i>. Standards are being maintained or improved.</p> <p><u>Description of what 10 looks like in practice</u></p> <p>Evidence of some non-compliances that are not critical to food safety (i.e. are not significant but may become significant if not addressed) but overall generally satisfactory standard of compliance with legal requirements.</p> <p>Not likely to put consumers at unacceptable risk in relation to hygienic food handling, temperature control and staff personal hygiene but may do so if non-compliances not addressed.</p> <p>Follow-up action by the local authority in accordance with its enforcement policy but likely to be considering informal action (report of inspection/letter identifying issues). Establishment unlikely to be a priority for a re-visit.</p> <p>Some follow-up action identified for food business operator (in relation to issues that are not critical to food safety and not likely to put consumers at unacceptable risk but which may do so if not addressed) in relation to food handling practices and procedures, staff personal hygiene or temperature control.</p> <p>Standards being maintained or improving.</p> <p>Some lapses in food hygiene and safety procedures identified (e.g. high-risk food held under refrigeration generally below 8°C but some evidence of rising above such as when busy, some lapses in monitoring of critical control points).</p> <p>Adequate control measures in place to prevent cross-contamination.</p> <p>Generally satisfactory food preparation, cooking, re-heating, cooling and storage of food demonstrated but some lapses may be evident over short periods.</p> <p>Evidence of generally satisfactory compliance with the compliance elements of industry guides to good hygiene practice (that have been recognised formally by the FSA) on food handling practices and procedures, staff personal hygiene and temperature control.</p>

Level of (current) compliance with food hygiene and safety procedures	
Score	Guidance/Description
5	<p><u>Code of Practice guidance</u></p> <p>General</p> <p>The score should reflect compliance observed during the inspection according to the guidance set out below. <i>Adherence to any relevant UK or EU Industry Guide to Good Hygiene Practice should be considered when assessing compliance. Conformity with relevant national guidelines or industry codes of recommended practice will also be necessary to score 0 or 5.</i></p> <p>Specific guidance on score of 5</p> <p>High standard of compliance with statutory obligations, industry codes of recommended practice and minor contraventions of food hygiene regulations. <i>Some minor non-compliance with</i> statutory obligations and <i>industry codes of recommended practice.</i></p> <p><u>Description of what 5 looks like in practice</u></p> <p>Evidence of very good compliance with legal requirements, with only some minor non-compliances that are not critical to food safety.</p> <p>No follow-up action by local authority apart from report of inspection provided to food business operator. No re-visit necessary before next planned intervention.</p> <p>Only minor follow-up action identified for food business operator (in relation to issues that are not critical to food safety) in relation to food handling practices and procedures, staff personal hygiene or temperature control.</p> <p>Only minor lapses in food hygiene and safety procedures (e.g. some protective clothing not very clean and needs cleaning.).</p> <p>All necessary control measures in place to prevent cross-contamination. Safe food preparation, cooking, re-heating, cooling and storage of food demonstrated.</p> <p>Evidence of very good compliance with the compliance elements of industry guides to good hygiene practice (that have been recognised formally by the FSA) on food handling practices and procedures, staff personal hygiene and temperature control.</p>

Level of (current) compliance with food hygiene and safety procedures	
Score	Guidance/Description
0	<p><u>Code of Practice guidance</u></p> <p>General</p> <p>The score should reflect compliance observed during the inspection according to the guidance set out below. <i>Adherence to any relevant UK or EU Industry Guide to Good Hygiene Practice should be considered when assessing compliance. Conformity with relevant national guidelines or industry codes of recommended practice will also be necessary to score 0 or 5.</i></p> <p>Specific guidance on score of 0</p> <p><i>High standard of compliance with</i> statutory obligations and <i>industry codes of recommended practice; conforms to accepted good practices in the trade.</i></p> <p><u>Description of what 0 looks like in practice</u></p> <p>Evidence of meeting legal requirements <i>or exceeding legal requirements.</i></p> <p>No follow-up action by local authority apart from report of inspection provided to food business operator. No re-visit necessary before next planned intervention.</p> <p>No follow-up action identified for food business operator in relation to food handling practices and procedures, staff personal hygiene, or temperature control.</p> <p>All necessary control measures in place to prevent cross-contamination.</p> <p>Safe food preparation, cooking, re-heating, cooling and storage of food demonstrated.</p> <p><i>Evidence of meeting or exceeding good practices in the trade and/or good practice requirements included in industry guides to good hygiene practice (that have been recognised formally by the FSA) in relation to food handling practices and procedures, staff personal hygiene, or temperature control.</i></p>

Level of (current) compliance with structural requirements	
Score	Guidance/Description
25	<p><u>Code of Practice guidance</u></p> <p>General</p> <p>The score should reflect compliance observed during the inspection according to the guidance set out below. <i>Adherence to any relevant UK or EU Industry Guide to Good Hygiene Practice should be considered when assessing compliance. Conformity with relevant national guidelines or industry codes of recommended practice will also be necessary to score 0 or 5.</i></p> <p>Specific guidance on score of 25</p> <p>Almost total non-compliance with statutory obligations.</p> <p><u>Description of what 25 looks like in practice</u></p> <p>Evidence of almost total non-compliance with legal requirements.</p> <p>Imminent and serious risks.</p> <p>Follow-up action by the local authority in accordance with its enforcement policy using a graduated approach but likely to include consideration of prohibition procedures where there is imminent risk and ongoing formal enforcement action, and re-visits within a short timescale to secure compliance.</p> <p>Follow-up action identified for food business operator - immediate and significant action required in respect of all serious risks. Address all other matters in relation to structural requirements including cleanliness, layout, condition of structure, lighting, ventilation, facilities within stipulated timescale.</p> <p>Dirty establishment and equipment, major structural problems.</p> <p>Insufficient space in which to operate safely.</p> <p>Almost total non-compliance with structural requirements (e.g. problems with hot water supply or problems with drainage, absence of essential wash hand basin or sink, dirty establishment with old food debris on floors, dirt engrained on work surfaces).</p> <p>Evidence of widespread pest infestation or totally unsatisfactory waste disposal provision.</p> <p>Almost total non-compliance with the compliance elements of industry guides to good hygiene practice (that have been recognised formally by the FSA) on food handling practices and procedures, staff personal hygiene and temperature control.</p>

Level of (current) compliance with structural requirements	
Score	Guidance/Description
20	<p><u>Code of Practice guidance</u></p> <p>General</p> <p>The score should reflect compliance observed during the inspection according to the guidance set out below. <i>Adherence to any relevant UK or EU Industry Guide to Good Hygiene Practice should be considered when assessing compliance. Conformity with relevant national guidelines or industry codes of recommended practice will also be necessary to score 0 or 5.</i></p> <p>Specific guidance on score of 20</p> <p>General failure to satisfy statutory obligations – standards generally low.</p> <p><u>Description of what 20 looks like in practice</u></p> <p>Evidence of major and widespread non-compliance with legal requirements. Widespread and significant risks.</p> <p>Follow-up action by the local authority in accordance with its enforcement policy using a graduated approach but likely to include commencement of formal enforcement action, and re-visiting the establishment to secure compliance.</p> <p>Follow-up action identified for food business operator – to address all identified non-compliances in relation to structural requirements including cleanliness, layout, condition of structure, lighting, ventilation, facilities, as a matter of urgency within stipulated timescale.</p> <p>Poor standard of structural and equipment cleaning. Poorly maintained and in poor repair. Not all appropriate hand and equipment washing facilities provided.</p> <p>Poor design layout that is likely to lead to cross-contamination and to food safety being compromised.</p> <p>Major and widespread non-compliance with structural requirements (e.g. some structural disrepair or poor work surfaces, inadequate number of wash hand basins or sinks, accumulations of dirt).</p> <p>Evidence of pest infestation or inadequate waste disposal provision.</p> <p>Evidence of major and widespread non-compliance with the compliance elements of industry guides to good hygiene practice (that have been recognised formally by the FSA) in relation to structural requirements.</p>

Level of (current) compliance with structural requirements	
Score	Guidance/Description
15	<p><u>Code of Practice guidance</u></p> <p>General</p> <p>The score should reflect compliance observed during the inspection according to the guidance set out below. Adherence to any relevant UK or EU Industry Guide to Good Hygiene Practice should be considered when assessing compliance. Conformity with relevant national guidelines or industry codes of recommended practice will also be necessary to score 0 or 5.</p> <p>Specific guidance on score of 15</p> <p>Some major non-compliance with statutory obligations – more effort required to prevent fall in standards.</p> <p><u>Description of what 15 looks like in practice</u></p> <p>Evidence of some major non-compliance with legal requirements.</p> <p>Some significant risks.</p> <p>Follow-up action by the local authority in accordance with its enforcement policy using a graduated approach but likely to include a warning letter, and consideration of formal enforcement, and giving the establishment priority for re-visit to secure compliance.</p> <p>Follow-up action identified for food business operator – to address all identified non-compliances, in relation to structural requirements including cleanliness, layout, condition of structure, lighting, ventilation, and hand and equipment washing facilities, within stipulated timescale.</p> <p>Significant improvements needed in standard of structure, equipment cleaning, maintenance and repair, or hand and equipment washing facilities.</p> <p>Poor design layout potentially leading to cross-contamination and to food safety being compromised.</p> <p>Major non-compliance with structural requirements (e.g. may be some damaged work surfaces, some significant dirt).</p> <p>Evidence of pest infestation/activity or inadequate waste disposal provision.</p> <p>Evidence of some major non-compliance with the compliance elements of industry guides to good hygiene practice (that have been recognised formally by the FSA) in relation to structural requirements.</p>

Level of (current) compliance with structural requirements	
Score	Guidance/Description
10	<p><u>Code of Practice guidance</u></p> <p>General</p> <p>The score should reflect compliance observed during the inspection according to the guidance set out below. <i>Adherence to any relevant UK or EU Industry Guide to Good Hygiene Practice should be considered when assessing compliance. Conformity with relevant national guidelines or industry codes of recommended practice will also be necessary to score 0 or 5.</i></p> <p>Specific guidance on score of 10</p> <p>Some non-compliance with statutory obligations and <i>industry codes of recommended practice</i>. Standards are being maintained or improved.</p> <p><u>Description of what 10 looks like in practice</u></p> <p>Evidence of some non-compliances that are not critical to food safety (i.e. are not significant but may become significant if not addressed).</p> <p>Not likely to put consumers at unacceptable risk but may do so if non-compliances not addressed.</p> <p>Follow-up action for local authority in accordance with its enforcement policy but likely to be considering informal action (report of inspection/letter identifying issues) with establishment unlikely to be a priority for a re-visit.</p> <p>Some follow-up action identified for food business operator in relation to issues that are not critical to food safety (but which may become so if not addressed) in relation to structural requirements including cleanliness, layout, condition of structure, lighting, ventilation, facilities.</p> <p>Generally satisfactory standard of structural and equipment cleaning. Fairly well maintained and in reasonable repair. Appropriate facilities provided with some issues of non-compliance.</p> <p>Standards being maintained or improving.</p> <p>Some repairs may be required (e.g. some cracked and missing wall tiles near to a food preparation surface, evidence of food contact surfaces being thoroughly cleaned but some areas where cleaning inadequate and needs to be improved).</p> <p>Evidence of satisfactory pest control (there may be minor pest proofing required but no evidence of pest activity).</p> <p>Evidence of satisfactory waste disposal provision (tidy, lidded bins and adequate collection arrangements).</p> <p>Evidence of generally satisfactory compliance with the compliance elements of industry guides to good hygiene practice (that have been recognised formally by the FSA) in relation to structural requirements.</p>

Level of (current) compliance with structural requirements	
Score	Guidance/Description
5	<p><u>Code of Practice guidance</u></p> <p>General</p> <p>The score should reflect compliance observed during the inspection according to the guidance set out below. <i>Adherence to any relevant UK or EU Industry Guide to Good Hygiene Practice should be considered when assessing compliance. Conformity with relevant national guidelines or industry codes of recommended practice will also be necessary to score 0 or 5.</i></p> <p>Specific guidance on score of 5</p> <p>High standard of compliance with statutory obligations, <i>industry codes of recommended practice</i> and minor contraventions of food hygiene regulations. <i>Some minor non-compliance with</i> statutory obligations and <i>industry codes of recommended practice.</i></p> <p><u>Description of what 5 looks like in practice</u></p> <p>Evidence of very good compliance with legal requirements, with only some minor non-compliances that are not critical to food safety.</p> <p>No follow-up action by local authority apart from report of inspection provided to food business operator. No re-visit necessary before next planned intervention.</p> <p>Only minor follow-up actions identified for food business operator (in relation to issues that are not critical to food safety) in relation to structural requirements including cleanliness, layout, condition of structure, lighting, ventilation, facilities.</p> <p>Only minor repairs required (e.g. a few cracked wall tiles in a non-critical area, a minor lapse in cleaning of a hard to reach/inaccessible area).</p> <p>Evidence of adequate pest control and waste disposal provision.</p> <p>Evidence of very good compliance with compliance elements of industry guides to good hygiene practice (that have been recognised formally by the FSA) in relation to structural requirements.</p>

Level of (current) compliance with structural requirements	
Score	Guidance/Description
0	<p><u>Code of Practice guidance</u></p> <p>General</p> <p>The score should reflect compliance observed during the inspection according to the guidance set out below. <i>Adherence to any relevant UK or EU Industry Guide to Good Hygiene Practice should be considered when assessing compliance. Conformity with relevant national guidelines or industry codes of recommended practice will also be necessary to score 0 or 5.</i></p> <p>Specific guidance on score of 0</p> <p><i>High standard of compliance with</i> statutory obligations and <i>industry codes of recommended practice; conforms to accepted good practices in the trade.</i></p> <p><u>Description of what 0 looks like in practice</u></p> <p>Evidence of meeting legal requirements <i>or exceeding legal requirements.</i></p> <p>No follow-up action by local authority apart from report of inspection provided to food business operator. No re-visit necessary before next planned intervention.</p> <p>No follow-up action identified for food business operator in relation to structural requirements including cleanliness, layout, condition of structure, lighting, ventilation, facilities.</p> <p>No repairs required and no potential improvements identified, or robust procedures in place for ongoing rectification of minor repairs.</p> <p>Premises and equipment clean and in good condition.</p> <p>Evidence of effective pest control and waste disposal provision.</p> <p><i>Evidence of meeting or exceeding good practices in the trade and/or good practice requirements included in industry guides to good hygiene practice (that have been recognised formally by the FSA) in relation to structural requirements.</i></p>

Confidence in management/control procedures

Score	Guidance/Description
30	<p><u>Code of Practice guidance</u></p> <p>General</p> <p>The actual performance of management is scored in Part 2 [Level of current compliance] on the basis of the results achieved and observed. A management that achieves good food hygiene performance, well understood by the workforce, should have achieved a good standard in Part 2, and consequently a low score for that factor. Confidence in management is not meant to reconsider this aspect. It is to elicit a judgement on the likelihood of satisfactory compliance being maintained in the future.</p> <p>Factors that will influence the inspector's judgement include:</p> <ul style="list-style-type: none"> • the "track record" of the company, its willingness to act on previous advice and enforcement, and the complaint history; • the attitude of the present management towards hygiene and food safety; and • hygiene and food safety technical knowledge available to the company (internal or external), including hazard analysis/HACCP and the control of critical points; • satisfactory HACCP based procedures. <p>Specific guidance on score of 30</p> <p>Poor track record of compliance. Little or no technical knowledge. Little or no appreciation of hazards or quality control. No food safety management procedures.</p>
	<p><u>Description of what 30 looks like in practice</u></p> <p>Follow-up action by the local authority likely to include prohibition procedures where there is imminent risk and ongoing formal enforcement, using a graduated approach in accordance with local authority enforcement policy and re-visiting the establishment within a short timescale to secure compliance.</p> <p>Follow-up action identified for food business operator - immediate and significant action required in respect of all serious risks. Address all other matters in relation to development of food safety management/procedures, supervision, instruction and training, within stipulated timescale.</p> <p>No evidence of food safety management/documented procedures as appropriate for size and nature of the business (e.g. SFBB), taking into account the flexibilities provided by Article 5 of Regulation (EC) 852/2004 on food hygiene and the related European Commission Guidance Document on <i>Implementation of procedures based on HACCP principles, and facilitation of the HACCP principles in certain food businesses.</i></p> <p>Significant hazards not understood and no effective controls in place.</p> <p>Major improvements in food safety procedures/implementation of controls required.</p> <p>No or totally inadequate food safety management procedures.</p> <p>Staff not suitably supervised, instructed and/or trained in food hygiene and no appreciation of food hazards or controls.</p> <p>Appropriate staff not adequately trained in application of HACCP principles.</p> <p>Poor track record, may be some evidence of previous problems.</p>

Confidence in management/control procedures

Score	Guidance/Description
20	<p><u>Code of Practice guidance</u></p> <p>General</p> <p>The actual performance of management is scored in Part 2 [Level of current compliance] on the basis of the results achieved and observed. A management that achieves good food hygiene performance, well understood by the workforce, should have achieved a good standard in Part 2, and consequently a low score for that factor. Confidence in management is not meant to reconsider this aspect. It is to elicit a judgement on the likelihood of satisfactory compliance being maintained in the future.</p> <p>Factors that will influence the inspector's judgement include:</p> <ul style="list-style-type: none"> • the "track record" of the company, its willingness to act on previous advice and enforcement, and the complaint history; • the attitude of the present management towards hygiene and food safety; and • hygiene and food safety technical knowledge available to the company (internal or external), including hazard analysis/HACCP and the control of critical points; • satisfactory HACCP based procedures. <p>Specific guidance on score of 20</p> <p>Varying record of compliance. Poor appreciation of hazards and control measures. No food safety management system.</p> <p><u>Description of what 20 looks like in practice</u></p> <p>Follow-up action by the local authority likely to include commencement of formal enforcement action, using a graduated approach in accordance with local authority enforcement policy and re-visiting the establishment to secure compliance.</p> <p>Follow-up action identified for food business operator – to address all identified non-compliances in relation to development of food safety management/procedures, supervision, instruction and training, as a matter of urgency within stipulated timescale.</p> <p>Food safety management/documented procedures inappropriate or inadequate for size and nature of the business (e.g. SFBB), taking into account the flexibilities provided by Article 5 of Regulation (EC) 853/2004 on food hygiene and the related European Commission Guidance Document on <i>Implementation of procedures based on HACCP principles, and facilitation of the HACCP principles in certain food businesses.</i></p> <p>Significant hazards not fully understood and not all controls in place.</p> <p>Significant improvements in food safety procedures/implementation of controls required.</p> <p>Some staff not suitably supervised, instructed and/or trained in food hygiene.</p> <p>Appropriate staff not adequately trained in application of HACCP principles.</p> <p>Varying track record, may be some evidence of previous problems.</p>

Confidence in management/control procedures

Score	Guidance/Description
10	<p><u>Code of Practice guidance</u></p> <p>General</p> <p>The actual performance of management is scored in Part 2 [Level of current compliance] on the basis of the results achieved and observed. A management that achieves good food hygiene performance, well understood by the workforce, should have achieved a good standard in Part 2, and consequently a low score for that factor. Confidence in management is not meant to reconsider this aspect. It is to elicit a judgement on the likelihood of satisfactory compliance being maintained in the future.</p> <p>Factors that will influence the inspector's judgement include:</p> <ul style="list-style-type: none">• the "track record" of the company, its willingness to act on previous advice and enforcement, and the complaint history;• the attitude of the present management towards hygiene and food safety; and• hygiene and food safety technical knowledge available to the company (internal or external), including hazard analysis/HACCP and the control of critical points;• satisfactory HACCP based procedures. <p>Specific guidance on score of 10</p> <p>Satisfactory record of compliance. Access to and use of technical advice either in-house, from trade associations and/or from Guides to Good Practice.</p> <p>Understanding of significant hazards and control measures in place. Making satisfactory progress towards a documented food safety management system/procedures commensurate with type of business.</p> <p><u>Description of what 10 looks like in practice</u></p> <p>Follow up action for local authority in accordance with its enforcement policy but likely to be considering informal action (report of inspection/letter identifying issues) with establishment unlikely to be a priority for a re-visit.</p> <p>Some follow-up action identified for food business operator in relation to further development and completion of documented procedures where these are commensurate with the size and nature of the business and where issues are not critical to food safety but may become so if not addressed, and not likely to put consumers at unacceptable risk.</p> <p>Generally satisfactory food safety controls in place and appropriate for size and nature of the business, and making satisfactory progress, taking into account the flexibilities provided by Article 5 of Regulation (EC) 852/2004 on food hygiene and the related European Commission Guidance Document on <i>Implementation of procedures based on HACCP principles, and facilitation of the HACCP principles in certain food businesses.</i></p> <p>All significant hazards understood and controls in place.</p> <p>Generally, food safety management procedures satisfactorily cover all activities but some further development/completion needed.</p> <p>Food safety management records appropriate for size and nature of business, and are generally maintained but with some deficiencies/gaps identified.</p> <p>Staff generally suitably supervised, instructed and/or trained in food hygiene but there may be some minor issues e.g. not all staff fully aware.</p> <p>Appropriate staff adequately trained in application of HACCP principles.</p> <p>Satisfactory track record but new businesses or those existing businesses where there has been a change in circumstances (e.g. a change in management) should not be penalised on track record where they have food safety management procedures in place. This might include existing businesses with a good previous track record but with some minor recent lapses.</p>

Confidence in management/control procedures

Score	Guidance/Description
5	<p><u>Code of Practice guidance</u></p> <p>General</p> <p>The actual performance of management is scored in Part 2 [Level of current compliance] on the basis of the results achieved and observed. A management that achieves good food hygiene performance, well understood by the workforce, should have achieved a good standard in Part 2, and consequently a low score for that factor. Confidence in management is not meant to reconsider this aspect. It is to elicit a judgement on the likelihood of satisfactory compliance being maintained in the future.</p> <p>Factors that will influence the inspector's judgement include:</p> <ul style="list-style-type: none"> • the "track record" of the company, its willingness to act on previous advice and enforcement, and the complaint history; • the attitude of the present management towards hygiene and food safety; and • hygiene and food safety technical knowledge available to the company (internal or external), including hazard analysis/HACCP and the control of critical points; • satisfactory HACCP based procedures. <p>Specific guidance on score of 5</p> <p>Reasonable record of compliance. Technical advice available in-house or access to, and use of, technical advice from trade associations and/or from Guides to Good Practice. Have satisfactory documented procedures. Able to demonstrate effective control of hazards. Will have satisfactory documented food safety management system. Audit by Food Authority confirms general compliance with procedures.</p> <p><u>Description of what 5 looks like in practice</u></p> <p>No follow-up action by local authority apart from report of inspection provided to food business operator. No re-visit necessary before next planned intervention.</p> <p>Only minor follow-up actions (not critical to food safety) identified for food business operator in relation to food safety management system (e.g. minor record keeping issues that are being dealt with by management).</p> <p>Food safety management/procedures in place and appropriate for size and nature of the business (e.g. SFBB), taking into account the flexibilities provided by Article 5 of Regulation (EC) 852/2004 on food hygiene and the related European Commission Guidance Document on <i>Implementation of procedures based on HACCP principles, and facilitation of the HACCP principles in certain food businesses</i>.</p> <p>Hazards understood, properly controlled, managed and reviewed with supporting evidence.</p> <p>Food safety management procedures adequately cover all activities.</p> <p>Food safety management records appropriate for size and nature of business are generally maintained – but some minor deficiencies/gaps.</p> <p>Technical advice available in-house or access to, and use of, technical advice from trade associations, other sources such as the local authority enforcement officer and/or from Guides to Good Practice.</p> <p>Staff suitably supervised, instructed and/or trained in food hygiene with good general staff knowledge and new staff receiving induction training.</p> <p>Appropriate staff adequately trained in application of HACCP principles.</p> <p>Good track record but new businesses or those existing businesses where there has been a change in circumstances (e.g. a change in management) should not be penalised on track record where they have food safety management procedures in place.</p>

Confidence in management/control procedures

Score

Guidance/Description

0

Code of Practice guidance

General

The actual performance of management is scored in Part 2 [Level of current compliance] on the basis of the results achieved and observed. A management that achieves good food hygiene performance, well understood by the workforce, should have achieved a good standard in Part 2, and consequently a low score for that factor. Confidence in management is not meant to reconsider this aspect. It is to **elicit a judgement on the likelihood of satisfactory compliance being maintained in the future.**

Factors that will influence the inspector's judgement include:

- **the "track record" of the company, its willingness to act on previous advice and enforcement, and the complaint history;**
- **the attitude of the present management towards hygiene and food safety; and**
- **hygiene and food safety technical knowledge available to the company (internal or external), including hazard analysis/HACCP and the control of critical points;**
- satisfactory HACCP based procedures.

Specific guidance on score of 0

Good record of compliance. **Access to technical advice within organisation.** Will have satisfactory documented HACCP based food safety management procedures, which **may be subject to external audit process.** Audit by Food Authority confirms compliance with documented procedures with few/minor non-conformities not identified in the system as critical control points.

Description of what 0 looks like in practice

No follow-up action by local authority apart from report of inspection provided to food business operator. No re-visit necessary before next planned intervention.

No follow-up action identified for food business operator in relation to food safety management procedures.

Food safety management/procedures in place and appropriate for size and nature of the business (e.g. SFBB), taking into account the flexibilities provided by Article 5 of Regulation (EC) 852/2004 on food hygiene and the related European Commission Guidance Document on *Implementation of procedures based on HACCP principles, and facilitation of the HACCP principles in certain food businesses.*

External audit of food safety management procedures.

Hazards understood, properly controlled, managed and reviewed with supporting evidence.

Food safety management procedures adequately cover all activities.

Food safety management records appropriate for size and nature of business are maintained.

Access to technical advice within organisation.

All staff suitably supervised, instructed and/or trained in food hygiene.

Appropriate staff trained in application of HACCP principles.

Very good track record but new businesses or those existing businesses where there has been a change in circumstances (e.g. a change in management) should not be penalised on track record where they have food safety management procedures in place.

Code of Practice Annex 5 scores – ‘at a glance’

Score	Standards			Compliance	Risk to public health	FBO action	LA action
	Hygiene	Structure	CIM				
25 CIM =30	<p>Very poor food hygiene practices, serious food contamination risks, inadequate temperature control for high-risk foods and major improvement needed in all areas.</p> <p>Failure to apply any (i.e. all) of the control measures required to prevent cross-contamination.</p> <p>Almost total non-compliance with requirements for safe food preparation, cooking, re-heating, cooling or storage of food identified.</p>	<p>Almost total non-compliance with structural requirements.</p> <p>Insufficient space in which to operate safely.</p> <p>Evidence of widespread pest infestation or totally unsatisfactory waste disposal provision.</p>	<p>No evidence of food safety management/documented procedures.</p> <p>Significant hazards not understood and no effective controls in place.</p> <p>Staff not suitably supervised, instructed and/or trained and no appreciation of food hazards or controls.</p> <p>Poor track record.</p>	Almost total non-compliance.	Imminent and serious risks.	<p>Immediate and significant action required in respect of all serious risks.</p> <p>Address all other matters within stipulated timescale.</p>	<p>In accordance with LA enforcement policy using a graduated approach but likely to include consideration of prohibition procedures where there is imminent risk and ongoing formal enforcement action, and re-visits within short timescale to secure compliance.</p>
20	<p>Poor standard of hygienic food handling, temperature control and staff personal hygiene and major improvements required.</p> <p>Inadequate implementation of many of the control measures required to prevent cross-contamination.</p> <p>Major and widespread non-compliance with requirements for safe food preparation, cooking, re-heating, cooling or storage of food identified.</p>	<p>Major and widespread non-compliance with structural requirements.</p> <p>Poor design layout that is likely to lead to cross-contamination and to food safety being compromised.</p> <p>Evidence of pest infestation or inadequate waste disposal provision.</p>	<p>Food safety management/documented procedures inappropriate or inadequate.</p> <p>Significant hazards not fully understood and not all controls in place.</p> <p>Significant improvements in food safety procedures/implementation of controls required.</p> <p>Some staff not suitably supervised, instructed and/or trained.</p> <p>Varying track record.</p>	Major and widespread non-compliance.	Widespread and significant risks.	<p>Address all identified non-compliances as a matter of urgency within stipulated timescale.</p>	<p>In accordance with LA enforcement policy using a graduated approach but likely to include commencement of formal enforcement action, including consideration of prohibition procedures where control measures required to prevent cross-contamination are not in place, and re-visiting the establishment to secure compliance.</p>

Score	Standards			Compliance	Risk to public health	FBO action	LA action
	Hygiene	Structure	CIM				
15	Inadequate implementation of some of the control measures required to prevent cross-contamination. Some major non-compliance with requirements for safe food preparation, cooking, re-heating, cooling or storage of food identified.	Significant improvements needed in standard of structure and equipment cleaning, maintenance and repair, and in hand and equipment washing facilities. Poor design layout potentially leading to cross-contamination and to food safety being compromised. Major non-compliance with structural requirements (e.g. may be some damaged work surfaces, some significant dirt.) Evidence of pest infestation/activity or inadequate waste disposal provision.	Not applicable.	Some major non-compliance.	Some significant risks.	Address all identified non-compliances within stipulated timescale.	In accordance with LA enforcement policy using a graduated approach but likely to include warning letter and consideration of formal enforcement, including prohibition procedures where control measures required to prevent cross-contamination are not in place, re-visiting the establishment to secure compliance.
10	Standards being maintained or improving. Some lapses in food hygiene and safety procedures. Adequate control measures in place to prevent cross-contamination. Generally satisfactory food preparation, cooking, re-heating, cooling and storage of food demonstrated but some lapses may be evident over short periods.	Generally satisfactory standard of structural and equipment cleaning. Fairly well maintained and in reasonable repair. Appropriate facilities provided with some issues of non-compliance. Standards being maintained or improving. Some repairs may be required. Evidence of satisfactory pest control. Evidence of satisfactory waste disposal provision.	Generally satisfactory food safety controls in place. All significant hazards understood and controls in place. Food safety management records appropriate and are generally maintained but some deficiencies/gaps identified. Staff generally suitably supervised, instructed and/or trained but there may be some minor issues. Satisfactory track record.	Evidence of some non-compliances that are not critical to food safety (i.e. are not significant but may become so if not addressed)	No unacceptable risks identified.	Some follow-up action in relation to issues that are not critical to food safety (i.e. are not significant but may become so if not addressed).	In accordance with LA enforcement policy but likely to be considering informal action (report of inspection/letter identifying issues) with establishment unlikely to be a priority for a re-visit.

Score	Standards			Compliance	Risk to public health	FBO action	LA action
	Hygiene	Structure	CIM				
5	<p>Only minor lapses in food hygiene and safety procedures.</p> <p>All necessary control measures in place to prevent cross-contamination.</p> <p>Safe food preparation, cooking, re-heating, cooling and storage of food demonstrated.</p>	<p>Only minor repairs required.</p> <p>Evidence of adequate pest control and waste disposal provision.</p>	<p>Food safety management/procedures in place.</p> <p>Hazards understood, properly controlled, managed and reviewed.</p> <p>Food safety management records appropriate and are generally maintained.</p> <p>Staff suitably supervised, instructed and/or trained with good general staff knowledge and new staff receiving induction training.</p> <p>Good track record.</p>	<p>Very good with only some minor non-compliances not critical to food safety.</p>	<p>No risks identified.</p>	<p>Only minor follow-up action in relation to issues that are not critical to food safety.</p>	<p>Report of inspection provided to FBO.</p>
0	<p>All necessary control measures in place to prevent cross-contamination.</p> <p>Safe food preparation, cooking, re-heating, cooling and storage of food demonstrated.</p>	<p>No repairs required and no potential improvements identified, or robust procedures in place for ongoing rectification of minor repairs.</p> <p>Premises and equipment clean and in good condition.</p> <p>Evidence of effective pest control and waste disposal provision.</p>	<p>Food safety management/procedures in place.</p> <p>Hazards understood, properly controlled, managed and reviewed.</p> <p>Food safety management records appropriate and maintained.</p> <p>All staff suitably supervised, instructed and/or trained.</p> <p>Very good track record.</p>	<p>Meeting or exceeding legal requirements.</p>	<p>No risks identified.</p>	<p>None identified.</p>	<p>Report of inspection provided to FBO.</p>

Section 5: Mapping of Annex 5 scores to the food hygiene rating

Introduction

- 5.1 The following elements of the 'food hygiene intervention rating scheme' at Annex 5 of the *Food Law Code of Practice* are relevant to calculating the food hygiene rating following an inspection, partial inspection or audit:
- level of (current) compliance with food hygiene and safety procedures (including food handling practices and procedures, and temperature control),
 - level of (current) compliance with structural requirements (including cleanliness, layout, condition of structure, lighting, ventilation, facilities etc.), and
 - confidence in management/control procedures.
- 5.2 Each element is numerically scored against the relevant criteria on the basis of guidance given in the Code and in [Section 4](#) of this document.

Mapping Annex 5 scores to the six food hygiene ratings of the FHRs

- 5.3 The Annex 5 numerical scores are then 'mapped' to the six food hygiene ratings which range from '0' at the bottom to '5' at the top. Any business should be able to achieve the top rating as it requires no more than compliance with food hygiene law.

The rating depends on the overall level of compliance – the total Annex 5 score – but also reflects the level of compliance for each of the individual areas by taking account of the highest of the three scores – the additional scoring factor.

The table below outlines this mapping.

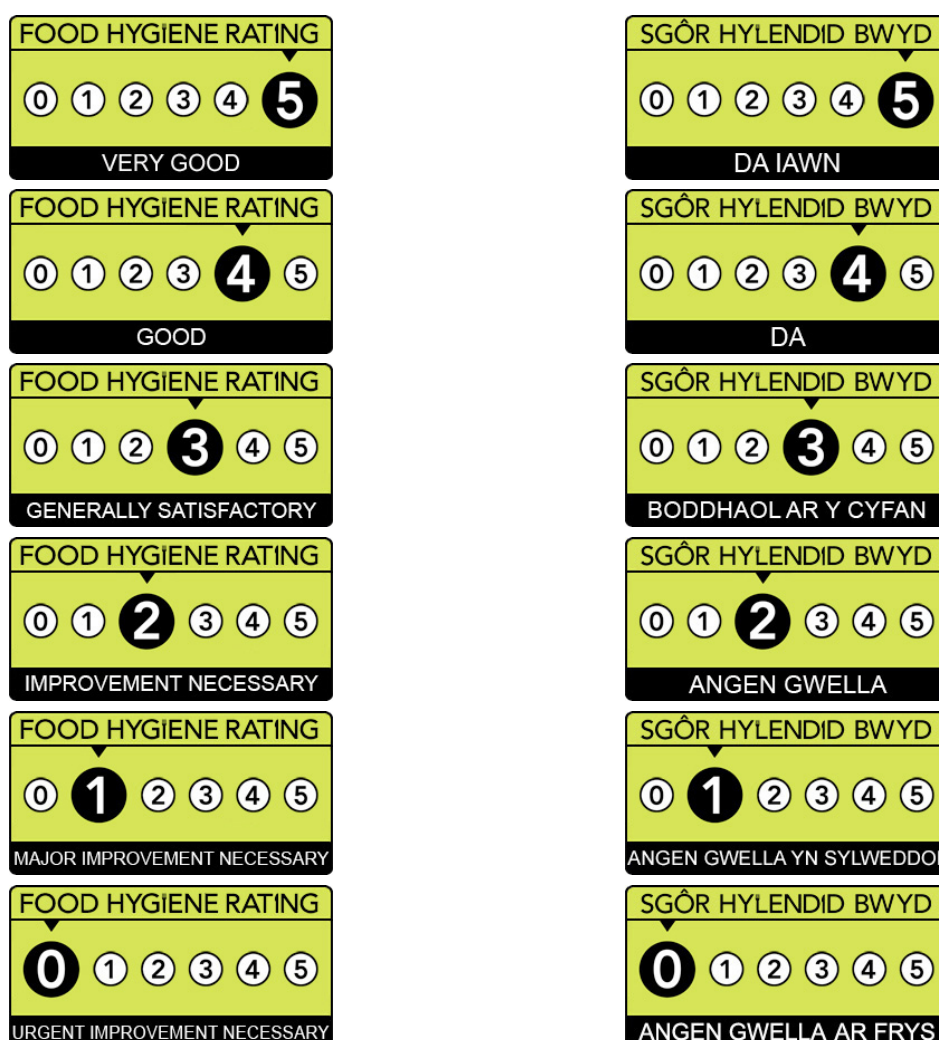
Mapping of numerical scores from the intervention-rating scheme at Annex 5 of the <i>Food Law Code of Practice</i> to the six FHRs food hygiene ratings						
Total Annex 5 scores	0 - 15	20	25 - 30	35 - 40	45 - 50	> 50
Additional scoring factor	No individual score greater than 5	No individual score greater than 10	No individual score greater than 10	No individual score greater than 15	No individual score greater than 20	-
Food hygiene rating	5	4	3	2	1	0
Descriptor	Very good	Good	Generally satisfactory	Improvement necessary	Major improvement necessary	Urgent improvement necessary

5.4 This means that where an individual Annex 5 score exceeds the additional scoring factor, the rating of the establishment will drop down the scale to the rating where it no longer exceeds the additional scoring factor. This is illustrated by the examples below.

Individual Annex 5 scores	Total Annex 5 score	Highest score – additional scoring factor	Food hygiene rating
5, 5, 5	15	5	5
0, 5, 10	15	10	4
5, 5, 20	30	20	1

5.5 The decision to use numbers with simple word descriptors for the ratings was based on the findings of independent research with consumers.¹³

5.6 The FHRs branding is designed to represent the ratings in a way it is easy for consumers to understand and use as illustrated below.



¹³ The report of this research is published at: <http://www.food.gov.uk/news/newsarchive/2010/jun/research>

Section 6: Notification of food hygiene ratings

Introduction

- 6.1 Guidance on the process for notifying FBOs of their food hygiene rating is given in Q&A format below.

Question and answer guidance

Q1. What types of intervention are required before a food hygiene rating can be given?

- A1. As Annex 5 of the *Food Law Code of Practice* is used as the basis of the FHRS, it follows that food hygiene ratings can only be given when the intervention rating of the establishment is determined, i.e. following a planned inspection, partial inspection or audit.

The only possible exception is in the case of a requested re-visit when a rating can be changed on the basis of other types of intervention (see [Section 8](#)). In all cases, however, there must be a visit to the establishment - ratings cannot be given or changed on the basis of documentary evidence only or on self-assessment by the FBO.

Q2. Should the food hygiene rating be notified to an FBO at the end of the intervention or at a later date?

- A2. Local authorities operating the FHRS must have a policy for communicating the food hygiene rating to businesses. The decision on when a business should be notified of its food hygiene rating must be in accordance with that policy.

The food hygiene rating must be provided in writing whether it is notified at the time of intervention (this must be an inspection, partial inspection or audit) or afterwards.

If not notified at the time of intervention, the food hygiene rating must be communicated in writing without undue delay and within 14 days¹⁴ from the date of the intervention.

Irrespective of when the FBO is notified of the food hygiene rating, information should be provided in writing about how to appeal it. This must make clear that the notification of the food hygiene rating triggers the start of the 'appeal' period.¹⁵

For multi-site businesses, local authorities must ensure that the food hygiene rating is also communicated to the head office.

¹⁴ Where reference to numbers of 'days' are made in this guidance it includes weekends and bank holidays.

¹⁵ The rule established by section 7 of the Interpretation Act 1978 will be applied for the purposes of notifying the food hygiene rating to food business operators. Section 7 is concerned with the service of documents by post. Under that rule as applied for the purposes of notifying the food hygiene rating to food business operators, notification will be regarded as having been given by properly addressing, pre-paying and posting a letter informing the food business operator of the food hygiene rating. It will be regarded as being effective at the time at which the letter would be delivered in the ordinary course of post.

Q3. What information should the local authority provide to an FBO with the notification of the establishment's food hygiene rating following the planned intervention?

A3 The following information should be provided:

- details of why the establishment was rated as it was and, in cases where the top rating has not been achieved, what priority actions are needed for each of the three Annex 5 elements that are used for the FHRS in order to improve the level of legal compliance (see Q&A 4);
- details of when the food hygiene rating will be published at food.gov.uk/ratings (see Q&A 5), and when the FBO will receive a certificate/sticker to voluntarily display the food hygiene rating at the establishment;
- in cases where the top rating has not been achieved:
 - details of the appeals process and the deadline by which an appeal to the Lead Officer for Food must be made (see [Section 6](#));
 - contact details (name, telephone number) for the 'inspecting officer' and Lead Officer for Food;
 - a weblink to food.gov.uk/ratings where more general information on the FHRS (including information on the appeals, 'right to reply' and re-inspections/re-visits mechanisms, and template forms for lodging an appeal, for requesting a re-visit, and for submitting a 'right to reply') are available.¹⁶

Q4. How should details of why the establishment was rated as it was and on what priority actions are needed to improve the level of legal compliance be presented to the FBO?

A4. It will be helpful to the FBO if the information is presented for each of three elements assessed - hygiene, structure and confidence in management/control procedures.¹⁷

¹⁶ In addition to being able to access information electronically, FBOs should have the option of requesting hard copies of information and template forms from the local authority.

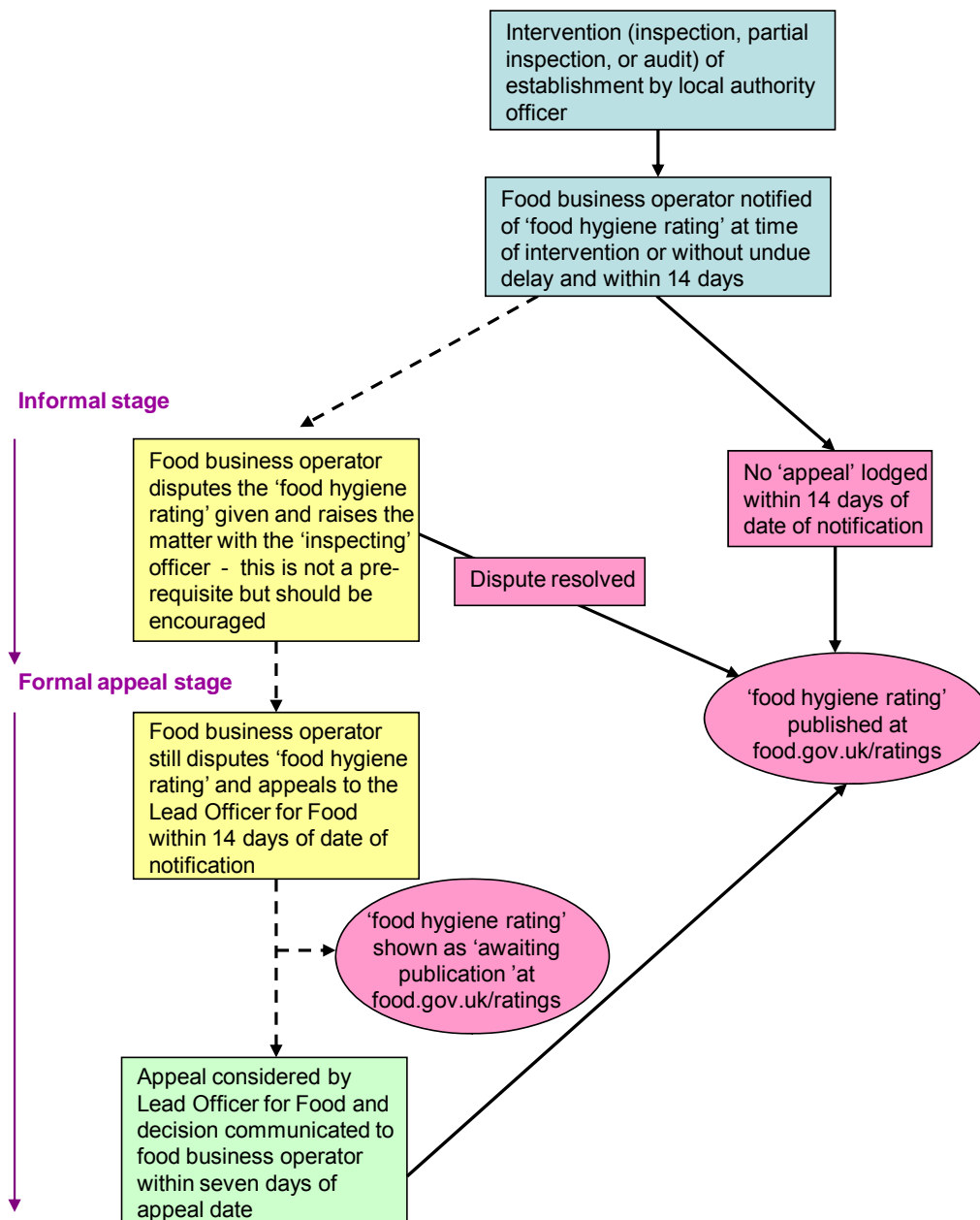
¹⁷ A standard template intervention report (to use in place of the Report of Inspection Form at Annex 6 of the *Food Law Code of Practice*) is provided at [Appendix 2](#)

Section 7: Appeals and 'right to reply'

Introduction

- 7.1 To ensure fairness to businesses, local authorities must have an appeals procedure in place for FBOs to dispute the food hygiene rating given in respect of their establishment if they consider it to be unjust.
- 7.2 The appeals procedure is illustrated in the following flow chart. In essence, if an FBO considers that the food hygiene rating given by the 'inspecting officer' (i.e. the officer undertaking the intervention - an inspection, partial inspection or audit) is unjust, s/he may appeal this with the local authority's Lead Officer for Food or in his/her absence, by the designated deputy.
- 7.3 Although not part of the FHRS appeal procedure, the FBO may still use the local authority's formal complaints procedure if s/he is dissatisfied with any aspect of the authority's services.
- 7.4 As an additional safeguard to businesses, local authorities must also provide FBOs with a 'right to reply'. This is to enable them to give an explanation of actions taken since they received their food hygiene rating to rectify non-compliances or of mitigation for the circumstances at the time of the intervention.
- 7.5 Guidance in Q&A format is provided below to assist local authorities in operating the appeals procedure and the 'right to reply' facility and in providing information to businesses on these.

Flowchart illustrating the appeals procedure



Notes

Any reference to numbers of 'days' includes weekends and bank holidays.

Sufficient legal protection is given to FBOs if appeals against a disputed food hygiene rating are determined by the Lead Officer for Food (or his/her designated deputy). There is no legal requirement for the local authority's complaints procedure to form part of the FHRS appeals procedure. This does not, however, prevent an FBO from using the complaints procedure where s/he is dissatisfied with any aspect of the authority's services.

Question and answer guidance

Q1. When is it appropriate for an FBO to use the appeals procedure?

- A1. The appeals procedure is relevant where the FBO believes that the food hygiene rating given is unjust as it does not reflect the hygiene standards and management controls found at their establishment at the time of intervention.

An appeal is **not** appropriate in circumstances where an FBO has requested a re-inspection/re-visit for re-rating on the basis that non-compliance(s) identified at the time of the initial intervention have been rectified. An FBO, however, may appeal after a re-inspection/re-visit if s/he considers that the 'new' food hygiene rating given is unjust (see Q&A 6).

Q2. How long does an FBO have to appeal the food hygiene rating before it is published?

- A2. The appeal has to be made in writing within the period of 14 days beginning with the date of notification.¹⁸

A standard template form is available at food.gov.uk/ratings for FBOs to use to appeal the food hygiene rating. A copy is provided at [Appendix 2](#) and is also available on the local authority FHRS resources page of the FSA website at the link below so that local authorities may download it, add relevant contact details and provide hardcopies to FBOs if requested to do so.

<http://www.food.gov.uk/safereating/hyg/hygieneratings/hygienscoresresources/>

After the 14 day period has expired, the food hygiene rating will be published on the food.gov.uk/ratings if no appeal has been lodged.

Q3. How should appeals be handled?

- A3. A graduated approach should be adopted.

In the first instance, it may be possible for the inspecting officer to resolve any dispute about the food hygiene rating in an informal manner by further clarifying and explaining how it was derived. Although not a pre-requisite, FBOs should be encouraged to do this and every effort should be made to resolve the matter at this stage before resorting to the appeal procedure.

If the dispute is not resolved informally, the FBO may lodge an appeal in writing and the matter should be considered by someone else - the Lead Officer for Food or in his/her absence, the designated deputy. The inspecting officer should not consider the appeal.

In some circumstances, a further visit to the establishment may be required. This will depend on the nature of the injustice alleged and whether a decision can or cannot be made on the basis of the paperwork associated with the intervention and the food hygiene rating given.

The Lead Officer's decision should be communicated to the FBO as early as possible and within a maximum of seven days from the date that the appeal was lodged, after which time the food hygiene rating will be published at food.gov.uk/ratings.

¹⁸ The rule established by section 7 of the Interpretation Act 1978 will also be applied in respect of lodging of an appeal by the food business operator with the local authority Lead Officer for food (see footnote 2). Under that rule as applied for the purposes of appealing the food hygiene rating, an appeal will be regarded as having been made by properly addressing, pre-paying and posting a letter informing the local authority Lead Officer for Food that an appeal is being made. It will be regarded as being effective at the time at which the letter would be delivered in the ordinary course of post.

Q4. Where the food hygiene rating is being appealed should the rating in dispute be published at food.gov.uk/ratings and displayed at the establishment?

A4. No. Until the outcome of the appeal is determined by the local authority's Lead Officer for Food, food.gov.uk/ratings will show that, for the establishment in question, the assessment of hygiene standards is 'awaiting publication'.

The previous food hygiene rating will not be displayed at food.gov.uk/ratings.

In relation to display at the establishment, where the food hygiene rating is notified at the time of the intervention, the certificate and sticker for the previous rating should be removed and a new sticker provided (and the new certificate should be issued within 14 days). Where the food hygiene rating is notified at a later date the new certificate and sticker should be provided with the notification of the new rating. The FBO should be requested to destroy the certificate and sticker for the previous rating and reminded that to continue to display these may constitute an offence under trading standards legislation for example an offence under the Consumer Protection from Unfair Trading Regulations 2008. Only one rating – the most recent – can be displayed at any point in time (see also [Section 9](#)).

Q5. Should appeals lodged later than 14 days after the notification of the food hygiene rating be considered?

A5. No. Appeals must be made within 14 days of the notification of the food hygiene rating. After this time, the rating should be published at food.gov.uk/ratings.

Q6. Can an FBO appeal a 'new' food hygiene rating given following a re-inspection/re-visit that they have requested?

A6. Yes. As with the initial assessment, an FBO may appeal in such cases if it is considered that the 'new' food hygiene rating is unjust. Appeals must be made within 14 days of the notification of the rating. After that period has expired, the food hygiene rating should be published at food.gov.uk/ratings if no appeal has been lodged.

Q7. When will the food hygiene rating be published at food.gov.uk/ratings following an appeal?

A7. The food hygiene rating will be published when the Lead Officer for Food has reviewed the rating and communicated the outcome of the appeal to the FBO.

Q8. What happens if the FBO disagrees with the outcome of the appeal?

A8. The FBO can challenge the local authority's decision by means of judicial review.

The FBO has recourse to the local authority complaints procedure (including taking the matter to the Local Government Ombudsman where appropriate) if they consider that a council service has not been properly delivered.

Q9. Is the local authority's complaints procedure part of the appeal process?

A9. No. Sufficient legal protection is given to FBOs if appeals against a disputed food hygiene rating are determined by the Lead Officer for Food. There is no legal requirement for the local authority complaints procedure to form part of the FHRS appeals procedure.

This does not, however, prevent an FBO from using the local authority's complaints procedure where s/he wishes to complain about the process followed in delivery of a service.

Q10. Do FBOs have a 'right to reply' and should this be published at food.gov.uk/ratings?

A10. Yes. FBOs have a 'right to reply' and this must be published at 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'.

FBOs can send comments electronically or in writing to the local authority.

The text may be edited by the local authority before being published at food.gov.uk/ratings in order to remove any offensive, defamatory, clearly inaccurate or irrelevant remarks.

A standard template form is available at food.gov.uk/ratings for FBOs to use. A copy is provided at [Appendix 2](#) and is also available on the local authority FHRS resources page of the FSA website at www.food.gov.uk/fhrsresources so that local authorities may download it, add relevant contact details and provide hardcopies to FBOs if requested to do so.

Section 8: Requests for re-inspections/re-visits for re-rating purposes

Introduction

- 8.1 To ensure fairness to businesses, local authorities must have a procedure in place for undertaking re-inspections or re-visits at the request of the FBO for re-assessing the food hygiene rating of their establishment.
- 8.2 The re-inspection/re-visit mechanism applies in cases where FBOs with ratings of '0' to '4' have made the necessary improvements to address non-compliances identified during the local authority's planned intervention (this must be an inspection, partial inspection or audit) of the establishment.
- 8.3 The Guidance is designed to outline the procedure for dealing specifically with re-inspections/re-visits requested by the FBO and **not** those undertaken in the course of normal follow-up enforcement action. This does not preclude local authorities from including in their LAEMS returns the numbers of requested re-inspections/re-visits carried out.
- 8.4 The Guidance highlights that where the requested visit involves an inspection, partial inspection or audit, the intervention rating can be revised by the local authority officer in accordance with the provisions of the *Food Law Code of Practice*.
- 8.5 Guidance in Q&A format is provided below to assist local authorities in the application of this safeguard mechanism.
- 8.6 The Guidance reflects the need to balance the operation of this safeguard mechanism against the potentially adverse effects on the control and enforcement regime in the way it is designed to protect public health.
- 8.7 The Guidance will be kept under review and will be revised and updated as necessary to reflect the experience of local authorities operating the FHRS and, in order to ensure that its application does not compromise public health protection.

Question and answer guidance

Q1. When does the re-inspections/re-visits mechanism apply?

A1. It applies where, following an appropriate planned intervention (an inspection, partial inspection or audit) by the local authority where an establishment is given a food hygiene rating (other than the top rating), 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.

Q2. Is there a time limit within which a request for a re-inspection/re-visit/must be made?

A2. No. The FBO can make a request for a re-inspection/re-visit at any time after the planned intervention as long as the actions necessary to rectify the non-compliances have been carried out. The FBO cannot, however, dictate when the re-inspection/re-visit will take place (see Q&A 3).

Q3. Where the case for a re-inspection/re-visit is substantiated, when should this take place?

A3. Although the FBO can make the request at any time after the planned intervention, the re-inspection/re-visit 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.

At the local authority's discretion, the requested re-inspection/re-visit can be undertaken during the 'stand still' period in cases where the priority actions identified at the time of the planned intervention in order to improve the level of compliance, and which have since been taken, concerned only the need for permanent structural improvements or repairs or upgrading of equipment.

The re-inspection/re-visit 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. 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 (provided the local authority agrees to the request - See Q&A 8).

Q4. What happens if the re-inspection/re-visit is not carried out within the three month window?

A4. The FBO can raise the issue with the Lead Officer for Food. If the matter cannot be resolved, the FBO has recourse to the local authority complaints procedure.

Q5. How many requested re-inspections/re-visits can an FBO have?

A5. For each planned intervention where a food hygiene rating has been given by the local authority, an FBO can have only one requested re-inspection/re-visit, other than in duly justified exceptional circumstances.

The request should be made when the FBO is of the opinion that the priority actions needed to improve legal compliance have been taken.

It may be appropriate for the local authority officer to discuss progress by telephone to establish what remedial action has been taken to ensure that the re-inspection/re-visit is appropriately timed and to confirm that the priority actions needed to improve the level of compliance have been addressed.

Q6. Can the food hygiene rating be changed if the local authority re-visits the establishment without a request from the FBO?

A6. It is expected that for poorer performing establishments, re-visits will take place in the course of normal follow-up enforcement action in accordance with the local authority's enforcement policy. In these cases, if an assessment of the level of compliance overall is made (i.e. where an inspection, partial inspection or audit has been conducted) and has changed, the food hygiene rating can be changed in line with this.

Although the standstill period - which is part of the requested re-visit safeguard - was incorporated to try to ensure that local authorities risk based approach to intervention was not compromised by re-visiting premises which they would otherwise not have gone back to until the next planned intervention, it was also incorporated to allow officers to have greater confidence in management that improvements in food hygiene could be maintained over time. This should be considered where enforcement re-visits occur within the standstill period. The exception to this relates to cases where the non-compliances identified at the time of the planned intervention, and which have since been rectified, concerned only the need for permanent structural improvements or repairs or upgrading of equipment.

Q7. What form should the request for a re-inspection/re-visit take?

A7. The request should be made in writing (including by email) and should outline the case for a re-inspection/re-visit, i.e. it should indicate the actions that have been taken by the FBO to improve the level of compliance since the planned intervention and, where appropriate, should include supporting evidence.

The supporting case should refer to those actions that the local authority informed the FBO would need to be made in order to improve the level of legal compliance (see Q&A 2).

A standard template form is available at food.gov.uk/ratings for FBOs to use. A copy is provided at [Appendix 2](#) and is also available on the local authority FHS resources page of the FSA website at www.food.gov.uk/fhrsresources so that local authorities may download it, add relevant contact details and provide hardcopies to FBOs if requested to do so.

Q8. Must the local authority accede to all requests for re-inspections/re-visits?

A8. 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/re-visit on that basis. In doing so, the local authority must explain why the request is being refused at this stage and should re-emphasise the priority actions that must be taken in order to improve the level of legal compliance and indicate what evidence will be required for agreement to a re-inspection/re-visit to be made on further request.

If the FBO disagrees with the local authority's decision to refuse a request for a re-visit, they can raise the issue with the Lead Officer for Food. If the matter cannot be resolved, the FBO has recourse to the local authority complaints procedure.

Q9. Where there is a supporting case, must a re-inspection/re-visit be made or can a new food hygiene rating be given on the basis of documentary evidence?

A9. A re-inspection/re-visit must be made. A new food hygiene rating should not be given on the basis of documentary evidence only.

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

A10. Yes. Such a visit should be unannounced unless it is necessary to ensure that certain staff are present and it does not compromise food safety.

Q11. Are powers of entry/authorisation required for requested re-inspections/re-visits?

A11. By virtue of making a request, the FBO is inviting the local authority onto their premises. Clearly, where entry onto premises is with the consent of the FBO, formal powers of entry/authorisation are not being exercised. It should be made clear, however, that the officer is still authorised under the Food Hygiene (England) Regulations 2006 (or the parallel legislation for Wales or Northern Ireland) and as such retains powers of entry and has the powers to take enforcement action where appropriate.

Q12. If hygiene standards have not improved or have deteriorated at the time of the re-inspection/re-visit, should a lower food hygiene rating be given?

A12. At the time of the re-inspection/re-visit, the local authority officer should not only check that the required improvements have been made, but should also assess the level of compliance that is found overall. This means that the food hygiene rating could go up, down or remain the same if deemed appropriate by the local authority officer.

Q13. Can a fee be charged?

A13. Local authorities may only impose charges for such re-inspections/re-visits if they have the statutory powers to do so. Legislation is always needed if charges are to be imposed. It is the FSA's views that such powers do not exist in domestic food law.¹⁹

The FSA is not opposed in principle to charging for such requested re-inspections/re-visits as part of the FHRS and the possibility of this is being considered by the FSA for the longer-term.

Q14. If an appropriate intervention is undertaken, can the intervention-rating also be changed?

A14. Yes. In line with the *Food Law Code of Practice*, if an inspection, partial inspection or audit has been undertaken, the intervention-rating can be revised if deemed appropriate by the local authority officer.

¹⁹ The FSA's views on this issue are set out in detail in the document 'Food Hygiene Rating Scheme/Food Hygiene Information Scheme - Legal issues'. September 2010. This is published at: www.food.gov.uk/fhrsresources

Section 9: Use of Food Hygiene Rating Scheme branding

Introduction

- 9.1 Proper use of FHRs branding is critical to ensuring that the credibility and integrity of the FHRs are maintained. It also safeguards against reputational damage to the scheme's partners – the FSA, participating local authorities and food businesses that receive ratings.
- 9.2 Guidance on the use of FHRs branding is set out in Q&A format below.

Question and answer guidance

Q1. What is meant by FHRs branding?

A1. The branding comprises:

- FHRs logos;
- FHRs certificates - one for each rating from 0 to 5 and one for establishments 'awaiting inspection'; and
- FHRs stickers – one for each rating from 0 to 5 and one for establishments 'awaiting inspection'.²⁰

There are both English and bilingual Welsh/English versions. Examples are shown in [Appendix 3](#).

Details of where to order stickers and certificate paper are given in the Communications Toolkit.²¹

Q2. Should certificates and stickers be issued for all establishments rated under the FHRs?

A2. All establishments rated as part of the FHRs must be given a certificate and should be encouraged to display this in a prominent position so that it is clearly visible to members of the public.

All establishments rated as part of the FHRs must also be provided with a sticker and should be encouraged to display this in the window or on the door (or where there is no suitable glass surface, such as on market stalls, affix it to a transparent surface before affixing that on a wall or other surface).

Generally only one certificate and sticker should be provided per establishment but for those with multiple entrances, additional stickers may be provided if requested by the FBO.

²⁰ There are two options for stickers: one showing the FSA logo and the statement 'This scheme is operated in partnership with your local authority'; and one showing the FSA logo with a space for the local authority logo to be added. Local authorities choosing the latter option will be required to fund the costs for the commercial printers producing the stickers to amend the artwork to include the local authority logo on the front, and to pre-print batches of the stickers). Details are given in the 'FHRs Communications Toolkit'.

²¹ The Communications Toolkit includes advice and guidance on promoting the FHRs at the local level. It also includes template press releases and details of other promotional materials such as web banners, leaflets, posters etc, as well as details of how to order supplies of FHRs stickers and certificate paper.

Q3. When should the certificates and stickers be given?

A3. FBOs must be notified of their rating in writing at the time of the intervention or within 14 days²² from the date of the intervention.

Where the rating is notified at the time of the intervention, the sticker and/or certificate for the previous rating or the 'awaiting inspection' sticker and/or certificate, if appropriate, should be removed. A new sticker for the new rating should be provided at the time and a certificate must be issued within 14 days.

Where the rating is notified at a later date (this must be within 14 days of the date of intervention – see [Section 6](#)), the new sticker and/or certificate should be provided with the notification of the rating. The FBO should be requested to destroy the sticker/certificate for the previous rating and reminded that to continue to display these may constitute an offence under trading standards legislation for example an offence under the Consumer Protection from Unfair Trading Regulations 2008. Only one rating – the most recent – can be displayed at any point in time.

Where there has been a change to the name of an establishment but the FBO is the same, a new certificate and/or sticker should be issued in the new name (but a new rating should not be given).

When certificates/stickers are issued, FBOs should be reminded that the certificates/stickers remain the property of the local authority and that all rights are reserved.

Q4. When should 'awaiting inspection' certificates and stickers be issued?

A4. An 'awaiting inspection' certificate and/or sticker should be given in the following circumstances if requested by the FBO:

- 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 by the appropriate local authority and a new rating given at the first inspection, partial inspection or audit;
- Where a local authority is taking a staged and gradual approach to roll out of the FHRS, for those 'awaiting inspection' for the first time under the FHRS.

The aim is to ensure fairness to businesses and aid consumer understanding.

Q5. How are the stickers and certificates authenticated?

A5. For **certificates**²³ – the local authority should add the following when generating the certificate (this will be achieved using either the local authority 'portal' of the IT platform or the local authority's Information Management System):

- the name and address of the business;
- the date of the hygiene rating OR date of issue for establishments 'awaiting inspection';
- contact details for the local authority;
- an authorising signature (the inspecting or other officer allocated responsibility to sign them on behalf of the Council); and

²² Where reference to numbers of 'days' are made in this Guidance it includes weekends and bank holidays.

²³ Certificates will be generated by printing relevant details onto template paper that is being provided by the Agency – there are separate templates for each rating and for 'awaiting inspection'. Details of where supplies can be ordered are provided in the local authority 'FHRS Communications Toolkit'.

- the local authority logo (which should be incorporated in the bottom left-hand corner).

For **stickers** - the local authority should add the following information on the reverse side of the pre-printed sticker:

- the name of the business;
- the date of the hygiene rating OR date of issue for establishments 'awaiting inspection';
- the local authority name; and
- an authorising signature (the inspecting or other officer allocated responsibility to sign them on behalf of the Council).

The local authority may also add a sticker/stamp of its own logo to the top right hand corner of the reverse side of the pre-printed sticker if it wishes (this is in addition to the logo on the front if option 2 stickers are being used – see footnote 20).

Local authorities should also ensure that supplies of certificate paper and stickers are kept in a secure place.

Q6. What action should be taken if a certificate or sticker has been defaced, tampered with or altered in any way?

A6. Local authorities should only use certificate template paper and stickers from the suppliers listed in the Communications Toolkit and should not attempt to reproduce or amend these in any way other than adding the details highlighted at Q&A 5 above.

If the original condition of the certificate or sticker is altered in any way after issuing it to the food establishment, the local authority should ensure that it is confiscated and destroyed.

Q7. 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?

A7. 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. The local authority should, therefore liaise with the appropriate regulatory body - the Office of Fair Trading, local authority trading standards services in England and Wales, and the Trading Standards Service of the Department of Enterprise, Trade and Investment in Northern Ireland, enforce the Regulations.

Q8. What action will be required as regards branded materials where a local authority ceases to participate in the FHRS?

A8. The local authority should:

- remove any FHRS branding from its website;
- suspend distribution of any marketing and advertising material that incorporates the branding;
- remove certificates/stickers from display in food business establishments as soon as possible and at the next planned intervention of that establishment at the latest; and
- advise businesses in their area that the FHRS no longer operates and that the continued use of any branded materials for marketing and advertising purposes may constitute an offence under trading standards legislation.

Q9. Can local authorities use any of the branding for marketing and advertising purposes?

A9. Local authorities are encouraged to promote the FHRs to both food businesses and consumers in their areas and can use the FHRs branding for marketing and advertising purposes. The Communications Toolkit gives advice and guidance on how this might be carried out. It also includes details of how to obtain copies of the branding.

Q10. Can FBOs use any of the branding for marketing or advertising purposes?

A10. 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.

FHRs branded artwork may be provided to FBOs – details of how local authorities can obtain this are provided in the Communications Toolkit – but in doing so, FBOs should be reminded that if its use misleads the public about their rating or misrepresents the business in any way, this may constitute an offence under trading standards legislation.

Section 10: Use of the Food Hygiene Rating Scheme IT platform

Introduction

- 10.1 The credibility and integrity of the FHRS will depend on up-to-date and accurate food hygiene ratings information being available to consumers. Regular transfer of local authority data to the national database and timely publication of ratings at food.gov.uk/ratings will be key to this. Effective management of the 'right to reply' facility will also be important.
- 10.2. Guidance on these issues is set out in Q&A format below.
- 10.3 Local authorities participating in the FHRS will be provided with separate User Documentation covering technical issues and practical aspects of using the IT platform.

Question and answer guidance

Q1. What is meant by the 'IT platform'?

- A1. The IT platform comprises the following key elements:
- a **central database** for storing the data on food business establishments uploaded to the system by local authorities;
 - a **'portal'** where participating local authorities are able to review and validate data, configure system functions to meet local needs, upload information and run management reports;
 - a **reporting facility** that allows the FSA to run management reports; and
 - an **online search facility** that provides a single access point to consumers for hygiene ratings for food business establishments covered by the FHRS – food.gov.uk/ratings.

Q2. What file formats can be used for uploading local authority data to the central database?

- A2. Data must be extracted from the local authority's Information Management System (IMS) to an Excel,²⁴ CSV or XML file.

Q3. What data are local authorities required to supply and in what format?

- A3. The 'Data Standard' is set out below and lists the data that must be provided for establishments that are currently trading.²⁵

Local authorities can choose whether to provide this for all establishments within their area or only for those that are included within the scope of the FHRS.

Where data on all establishments is provided not all of this will be published at food.gov.uk/ratings – see Q&A 4 below – but it can be included when running management reports.

²⁴ Where Excel files are used, the worksheet containing the data must be named 'Data'. No naming conventions apply to the Excel file itself, or in the case of CSV or XML files.

²⁵ The 'Data Standard' also includes some data that it is voluntary for local authorities to provide – where this is the case, it is specifically stated.

FHRS 'Data Standard'

Note – where rows are shaded in grey, supply of the data is not mandatory.

Data field name	Required format	Comment
Local authority ID	Alpha-numeric: usually three or four characters long	This ID is the same ID used for the Local Authority Enforcement Monitoring System (LAEMS). Supply of this data is not mandatory as these IDs will be stored within the system and log in details will indicate the local authority to which the upload relates.
Local authority name	Text: 255 character limit	The name of the local authority. Supply of this data is not mandatory as the log in details will indicate the local authority to which the upload relates
Establishment ID	Alpha-numeric: 255 character limit	This is the premises ID/unique premises reference number. This is not published at food.gov.uk/ratings but must be supplied. All information about a particular establishment is contained in a single record (row). A given establishment ID value is unique to a single record in every data file.
Establishment name	Alpha-numeric: 255 character limit	The name of the business
Operator/Proprietor	Text: 255 character limit	The name of the food business operator - this will not be published at food.gov.uk/ratings . Supply of this data is not mandatory.
Establishment telephone number	Numeric :25 character limit	This will not be published at food.gov.uk/ratings . Supply of this data is not mandatory.
Establishment address line 1	Alpha-numeric: 255 character limit	No individual address line is mandatory but the supply of a valid address is, so at least one of the address lines must contain data and it is the responsibility of the local authority to ensure that a valid and recognisable address is supplied.
Establishment address line 2	Alpha-numeric: 255 character limit	
Establishment address line 3	Alpha-numeric: 255 character limit	
Establishment address line 4	Alpha-numeric: 255 character limit	
Establishment post code	Alpha-numeric: 10 character limit	This should be supplied unless the establishment does not have a post code
Business type (category)	Text: 200 character limit	If the local authority does not categorise businesses on their local system using the LAEMS categories, it will be able to use a mapping facility on the FHRS portal to indicate how the categories used relate to the LAEMS categories.

Data field name	Required format	Comment
Inspection date	UK date formats: dd/mm/yyyy dd/m/yy d.m.yy dd/mmm/yy dd-mm-yyyy dd mm yyyy dd.mm.yyyy yyyy/mm/dd	This is required for all establishments except for those yet to be inspected (unrated).
Scope	Alpha-numeric: 255 character limit	Identifier to indicate if the status of the establishment - 'excluded', 'included', 'exempt', or 'sensitive'. This will determine what if any information is published – see Q&A 4.
Annex 5 score for level of compliance – food hygiene and safety procedures	Prescribed values: 0, 5, 10, 15, 20 or 25	A valid record must contain values in each of the three fields or none in any of them. Where values are included, the food hygiene rating will be calculated from these.
Annex 5 score for level of compliance – structure of the establishment	Prescribed values: 0, 5, 10, 15, 20 or 25	The absence of all three values will indicate that the establishment has not yet been rated under the FHS. In such cases, 'awaiting inspection' will be displayed at food.gov.uk/ratings instead of a food hygiene rating.
Annex 5 score for confidence in management/control procedures	Prescribed values: 0, 5, 10, 20 or 30	
Annex 5 overall score	Numeric: three character limit	This is the overall intervention-rating score for the establishment. Supply of this data is not mandatory. This will not be published at food.gov.uk/ratings .
Revised food hygiene rating	Prescribed values: 0, 1, 2, 3, 4 or 5 (5 being a 'top tier' rating and 0 a 'bottom tier' rating)	This relates to food hygiene ratings given when an establishment has been re-visited at the request of the food business operator under the re-inspections/re-visits mechanism. A value will be provided only in cases where the intervention rating was not also re-assessed.
Revised food hygiene rating date	UK date formats: dd/mm/yyyy dd/m/yy d.m.yy dd/mmm/yy dd-mm-yyyy dd mm yyyy dd.mm.yyyy yyyy/mm/dd	This relates to the value described in the entry above and is the date on which the establishment was re-visited and given a 'new' food hygiene rating.

Q4. Of the data supplied, what information exactly will appear at food.gov.uk/ratings?

A4. This depends on the status of the establishment and is summarised in the table below.

Type of business ²⁶	Status	What will be published?
Does not supply food direct to consumers. Examples include manufacturers, packers, transporters, importers & exporters, distributors.	'Excluded'	Nothing.
Supplies food direct to consumers, is given a rating and there are no sensitivities in relation to publishing full address information. Examples include, supermarkets, restaurants, cafes, pubs (including wet pubs), hospitals, schools etc.	'Included'	<ul style="list-style-type: none"> • Business name and <u>full</u> address • LAEMS business category • Date of inspection OR date of revised food hygiene rating • Food hygiene rating OR revised food hygiene rating OR 'awaiting inspection' OR 'awaiting publication'
Supplies food direct to consumers, is given a rating but there are sensitivities in relation to publishing full address information as they operate or are registered at private addresses. Examples include, home caterers and mobile traders.	'included and private' Note – Local authorities can manually indicate via the portal those establishments to have the address suppressed	<ul style="list-style-type: none"> • Business name and <u>partial</u> address – local authority name and first part of postcode only • LAEMS business category • Date of inspection OR date of revised food hygiene rating • Food hygiene rating OR revised food hygiene rating OR 'awaiting inspection' OR 'awaiting publication'
Supplies food direct to consumers but is not rated on the basis that it is 'low risk' and consumers would not generally recognise it as being a food business, and there are no sensitivities in relation to publishing full address information. Examples include visitor centres selling biscuits, newsagents and chemist shops selling only pre-packed confectionery and/or health foods.	'Exempt'	<ul style="list-style-type: none"> • Business name and <u>full</u> address • LAEMS business category • 'Exempt' in place of a food hygiene rating
Supplies food direct to consumers and is given a rating but there are sensitivities about publishing any address information at all or there are security issues. Examples include military establishments.	'Sensitive'	Nothing It is possible, however, to generate a certificate using the IT system if the business is being rated under the scheme

²⁶ See [Section 3](#) on scope for further advice on this.

Type of business ²⁶	Status	What will be published?
Supplies food direct to consumers but is not rated on the basis that it is 'low risk' and consumers would not generally recognise it as being a food business, and there are sensitivities in relation to publishing full address information.	'Exempt and private' Note – Local authorities can manually indicate via the portal those establishments to have the address suppressed	<ul style="list-style-type: none"> • Business name and <u>partial</u> address – local authority name and first part of postcode only • LAEMS business category • 'Exempt' in place of a food hygiene rating
Childminders and other establishments where caring services are being provided in the home environment – will get a rating only if they opt into the FHRS.	'Sensitive'	Nothing. It is possible, however, to generate a certificate using the IT system if the business has opted in.

Q5. How frequently must local authorities upload data?

A5. If the local authority generates certificates via the IT platform, as a minimum, it must upload data once every 13 days to ensure that certificates can be issued to food business operators within 14 days of the date of intervention at which the rating was given.

If the local authority is using its own IMS to generate certificates, as a minimum, it must upload data once every 27 days (it must be less than the notification plus appeal period – see Q&A 8).

There is no maximum upload frequency.

Q6. What data validation is required?

A6. The IT platform will carry out a number of validation routines to check that the necessary data have been supplied for each establishment. These will include checks for:

- establishment ID – must be present, must be no more than 255 characters and must be unique to one record in the file;
- establishment name – must be present, and must be no more than 255 characters;
- Annex 5 scores for hygiene, structure and confidence in management/control procedures – where present, each must be consistent with one of the prescribed values **and** there must be a valid inspection date supplied **or** all values should be absent;
- business type – must be present and must not exceed 255 characters;
- establishment address – must be present and no address line should have more than 255 characters;
- inspection date (if supplied) - valid date less than or equal to the date of upload;
- revised food hygiene rating (if supplied) - values of 0 to 5 and revised food hygiene rating date as a valid date less than or equal to the upload date.

The upload will fail if any errors are detected such as only one or two Annex 5 scores rather than all three.

Q7. How do local authorities correct errors?

A7. A report identifying errors will be produced by the IT platform when the local authority uploads the data file. This report can be exported to Word, Excel etc. Local authorities should review the errors and make the necessary changes within their local IMS or the portal (in the case of mapping being required).

A new data file must then be produced and uploaded if the errors need to be corrected first on the IMS.

After successfully uploading a data file, the data is available for review prior to publication at food.gov.uk/ratings. At this stage, records may be withheld from publication to allow further investigation and until the local authority is content to publish.

Q8. When will a new food hygiene rating be published at food.gov.uk/ratings?

A8. Where the establishment has received a rating of '5', this will be published as soon as the data is uploaded to the system (and the local authority has released it).

In other cases, and as a general rule, the new rating cannot be published until the FBO has had 14 days from the date of notification of the rating in which to appeal.²⁷ The systems software will, therefore, suppress publication for a default period long enough to allow notification of the result and lodging of an appeal. The results of recent inspections can therefore be safely supplied to the portal. The software allows local authorities to force publication where appeals are dealt with earlier than the default period or to delay publication where there is for example, a delay in notifying a rating outcome

After the appeal period has expired, the rating will be published at food.gov.uk/ratings if no appeal has been lodged.

During this time, the previous rating or 'awaiting inspection', whichever is appropriate, will be displayed.

If an appeal is lodged, the new rating must not be published until the outcome is determined. food.gov.uk/ratings will show that, for the establishment in question, the assessment of hygiene standards is 'awaiting publication'. The previous rating will not be displayed.

Q9. Must local authorities generate certificates from the portal?

A9. Local authorities can do this but they may also generate certificates onto the template paper using their IMS.

Q10. What information must be displayed on the local authority's own page at food.gov.uk/ratings?

A10. Each local authority will have its own page with its logo/banner. Each authority must upload key contact details to this and add a link to the local authority's own website.

Q11. What must a local authority do if it receives a 'right to reply' from a food business in its area?

A11. FBOs have a 'right to reply' in respect of the rating given and local authorities must publish this at food.gov.uk/ratings with the rating. Businesses will be able to download a standard form from food.gov.uk/ratings, and will be directed to post/email this to their local authority.

The purpose of the 'right to reply' is to enable the FBO to give an explanation of subsequent actions that have been taken to rectify non-compliances or mitigation for

²⁷ Where reference to numbers of 'days' are made in this Guidance it includes weekends and bank holidays.

the circumstances at the time of the inspection, rather than to complain or criticise the FHRs or 'inspecting officer'.

Where a 'right to reply' is received from an FBO the local authority should review the text before publishing at food.gov.uk/ratings and edit it in order to remove any offensive, defamatory, clearly inaccurate or irrelevant remarks. The text should then be entered by the local authority via the portal against the record for the relevant business.

The IT system will automatically remove 'right to reply' comments when a rating from a more recent inspection or re-visit to the establishment is published.

Q12. Can local authorities publish ratings for establishments in their areas on their own website and/or other websites in addition to food.gov.uk/ratings?

A12. There is nothing to prevent local authorities doing this but they should consider very carefully the accuracy of the data and potential challenge where this is compromised.

Consideration must also be given to how the FHRs is advertised on any other website. A clear articulation of what the FHRs is (including that ratings reflect the standards found at the time of inspection – i.e. a snapshot in time) should be available on any website or other material available about the FHRs. Information about the FHRs and marketing type information (for example reviews or other evaluative information relating to businesses) should be kept separate.

Section 11: Establishing and operating a Consistency Framework

Introduction

- 11.1 Consistent implementation and operation of the FHRS is critical to ensuring that consumers are able to make meaningful comparisons of hygiene ratings for establishments both within a single local authority area and across different local authority areas, and to ensuring that businesses are treated fairly and equitably. Local authorities participating in the FHRS must establish and operate a Consistency Framework in order to achieve this.
- 11.2 It is important to note that operation of the FHRS does not affect the statutory duty of local authorities to monitor compliance with food hygiene law and to take enforcement action where appropriate and in accordance with its enforcement policy.
- 11.3 The Consistency Framework should include the application of the FHRS 'Brand Standard' i.e. the guidance included in this document covering the different elements of the FHRS.
- 11.4 The Framework should include **monitoring and auditing** to ensure consistent application of the guidance and consistency in the way that interventions are undertaken (and in particular how the intervention-rating scheme at Annex 5 of the *Food Law Code of Practice* is applied). The Framework should recognise that monitoring and auditing should operate on three levels: within the local authority; within a liaison group/region; and at a national level by the FSA. The measures required should be based on those already in place in relation to the local authority's statutory duty to monitor compliance with, and enforcement of, food hygiene legislation. The aim is to ensure that operation of the FHRS does not place additional burdens on local authorities.
- 11.5 In addition, the Framework should specify **training requirements** and participation in **consistency exercises**.
- 11.6 Guidance on establishing and operating a Consistency Framework is set out in Q&A format below. The Guidance is not intended to be prescriptive but rather provides local authorities with the flexibility to base their Consistency Framework on existing mechanisms, and to strengthen and build on these where appropriate.

Question and answer guidance

Q1. What elements should make up the Consistency Framework?

- A1. The framework should comprise three main elements:
- application of the FSA's guidance on implementation and operation of the FHRS – the 'Brand Standard';
 - monitoring and auditing arrangements (consistency controls based on local authority policies, procedures and documents that meet the requirements in the *Food Law Code of Practice, Framework Agreement on Food Law Enforcement* and other official guidance) – internal and external measures – and the actions to be taken to address identified inconsistencies; and
 - training requirements and participation in consistency exercises.

Q2. What does the guidance on implementation and operation of the FHRs cover and why is it important?

A2. It covers the following areas:

- 'Getting started' ([Section 1](#));
- Formal 'sign up' ([Section 2](#));
- Scope ([Section 3](#));
- Scoring using Annex 5 of the *Food Law Code of Practice* ([Section 4](#));
- Mapping of Annex 5 scores to the food hygiene rating ([Section 5](#));
- Notification of food hygiene ratings ([Section 6](#));
- Appeals and 'right to reply' ([Section 7](#));
- Requests for re-inspections/re-visits for re-rating purposes ([Section 8](#));
- Use of FHRs branding ([Section 9](#));
- Use of the FHRs IT platform ([Section 10](#)); and
- Establishing and operating a consistency framework ([Section 11](#)).

Application of the guidance by local authorities participating in the FHRs will form an essential element of the Consistency Framework. This is key to ensuring fair, equitable and consistent treatment of FBOs. It is also key to ensuring that consumers are able to make meaningful comparisons of hygiene ratings for establishments both within a single local authority area and across different local authority areas.

Q3. What is the FSA's role in relation to consistent implementation and operation of the FHRs?

A3. The FHRs is an FSA/local authority partnership initiative.

The FSA is responsible for keeping implementation and operation of the FHRs under review and, working with stakeholders, to revise and update the associated guidance to ensure that the FHRs is operated fairly and consistently, and to ensure that it does not impact adversely on public health protection.

The FSA also has a monitoring and audit role to check and provide assurance (as far as practical) that the FHRs is operated consistently within and between authorities (see Q&A 9).

Q4. What measures should be put in place for local authority monitoring of operation of the FHRs?

A4. As food hygiene ratings are a means of presenting intervention findings, the internal monitoring arrangements that local authorities must already have in place in respect of their statutory duties to monitor compliance with and enforcement of food law should form part of the Consistency Framework for operation of the FHRs.

All relevant service activities should be subject to proportionate and routine quantitative and qualitative monitoring so that the Service is able to demonstrate its conformance with legislation, with the *Food Law Code of Practice*, with 'the Standard' in the *Framework Agreement on Local Authority Food Law Enforcement* and with official guidance.

These monitoring arrangements should be detailed in the local authority's internal monitoring procedures.

Appropriate and proportionate records should be maintained to verify management oversight of key service activities and actions, and the measures taken to address any identified problems.

Q5. What are the key service activities in relation to operation of the FHRS that should be covered?

A5. These include:

- officer competency;
- food business database management;
- carrying out inspections and other interventions;
- interpretation of the intervention-rating scheme at Annex 5 of the *Food Law Code of Practice*;
- maintenance of intervention records and correspondence;
- service monitoring and related record-keeping; and
- operation of FHRS safeguards – appeals, ‘right to reply’, and re-inspections/re-visits for re-rating.

Q6. What types of local authority checks are appropriate in respect of these key activities?

A6. A range of existing documents, tools and guidance is available to assist local authorities with this (see Q&A 7) but checks might include: desk top checks of file/database records and correspondence, reality checks, shadowing, joint inspections, inter-authority consistency exercises, business satisfaction questionnaires etc.

Q7. What are these existing documents, tools and guidance?

A7. These include:

- *Food Law Code of Practice* and associated *Food Law Practice Guidance*;²⁸
- *Framework Agreement on Local Authority Food Law Enforcement*;²⁹
- *Making every inspection count* - internal monitoring advice for local authority food and feed enforcement team managers (FSA summary document);³⁰
- FSA report on Inter-Authority and Peer Review Processes, and toolkit of document templates;³¹
- LACORS guidance on monitoring the quality and consistency of food inspections;³²
- LACORS guidance on Article 5 of EC Regulation 852/2004;³³
- LACORS guidance on training of food handlers;³⁴
- Local authority existing policies and procedures.

²⁸ See <http://www.food.gov.uk/enforcement/enforcework/foodlawcop/>

²⁹ See: <http://www.food.gov.uk/enforcement/enforcework/frameagree/>

³⁰ See: <http://www.food.gov.uk/multimedia/pdfs/enforcement/everysinspection.pdf>

³¹ See: <http://www.food.gov.uk/multimedia/pdfs/enforcement/interauthorityreport2010.pdf>

³² See: <http://www.lacors.gov.uk/lacors/ContentDetails.aspx?id=21650>

³³ See: <http://www.lacors.gov.uk/lacors/ViewDocument.aspx?docID=22655&docType=C>

³⁴ See: <http://www.lacors.gov.uk/lacors/ContentDetails.aspx?id=22648>

Q8. Should Food Safety Team and Food Liaison Group meetings and activities form part of the Consistency Framework?

A8. Yes. Regular programmed meetings should be used as an opportunity for group training/exercises, learning from others and undertaking co-ordinated consistency and monitoring activities. Regional groups can also provide a support network for local authorities and a forum for discussion and consideration of consistency issues.

Q9. What FSA audit and monitoring arrangements are in place to address consistency in application of the FHRS?

A9. Local Authority Enforcement Monitoring System (LAEMS) data provides information on business compliance levels which may be monitored by the FSA for consistency purposes.

FSA audit of local authority food law enforcement activities is carried out against a planned annual programme. Issues relating to food hygiene ratings are being addressed, where appropriate, in protocols and checklists as part of these planned audits.

FSA 'core' audits focus on inspections, database management and internal monitoring arrangements and include 'reality checks'. These include consideration of consistent scoring/rating and appropriate application of Annex 5 intervention-rating criteria. Such audits identify issues of inconsistency, non-compliance with legislation, the relevant *Food Law Code of Practice* and official guidance. Such issues are relevant to all local authority food law enforcement services and not just to those operating the FHRS.

A focused audit programme may be undertaken in the future once the FHRS has bedded in and a pilot template developed that could be used by participating authorities. Such a programme could consider verification of relevant elements of the *Framework Agreement on Local Authority Food Law Enforcement*.

The FSA will also use data from the national FHRS national database, together with feedback from stakeholders on implementation of the FHRS, to identify any consistency issues.

Q10. What local authority audit and peer review arrangements should be put in place?

A10. Many local authorities already participate in third party audit and/or peer review/challenge processes or benchmarking activities of the food service against the 'Standard' in the *Framework Agreement on Local Authority Food Law Enforcement*. Whilst the precise arrangements will vary amongst authorities, these activities will cover issues that relate to the operation of the FHRS and so should form part of the Consistency Framework for its operation.

In addition to individual exercises, benchmarking or other peer review/challenge processes may also be carried out at liaison or regional group level.

Audit protocols and checklists used by the FSA (see Q&A 9) are published on the FSA's website and relevant elements may be used by local authorities as part of any self or peer assessment or inter-authority audit.

Guidance on development and implementation of robust inter-authority audits and a toolkit of document templates to assist Food Liaison Groups and local authorities in the practical aspects of the inter-authority audit process is available at:

<http://www.food.gov.uk/enforcement/auditandmonitoring/auditscheme/iaaudittoolkit/>

Q11. What will happen if local authorities that ‘sign up’ to the FHRs fail to operate this to the standards set by the FSA?

A11. Details about the formal ‘sign up’ process and information about what will happen if local authorities fail to follow in full the FHRs ‘Brand Standard’ are given in [Section 2](#).

Q12. What consistency training is required and when?

A12. Consistency training should be carried out at the earliest opportunity and before launch. Local authorities should ensure that all relevant officers participate in training and that officers meet the competency requirements in the *Food Law Code of Practice*.

Authorities should participate in consistency training organised and funded by the FSA (based on the interpretation of the food hygiene intervention-rating scheme at Annex 5 of the *Food Law Code of Practice*), or ensure that they participate in equivalent training. This is necessary to ensure that local authorities are confident that Annex 5 is applied consistently and in accordance with the FSA’s guidance.

Local authorities should organise and undertake cascade training of those officers that do not participate in the FSA-funded or equivalent training but are engaged in the inspection of food establishments or in monitoring inspections of food establishments. The course materials from FSA-funded training will be made available for this purpose. Local authorities should consider working with neighbouring authorities or through liaison groups to deliver this cascade training.³⁵

Local authorities should also identify additional ongoing training needs and prioritise and plan for these. This should include training for new local authority food officers, for contracted staff and for re-training of local authority food officers where a need is identified (e.g. through internal monitoring and review).

Records of any consistency training should be maintained by the local authority as part of its established internal monitoring arrangements.

Q13. What about consistency exercises?

A13. Local authorities should participate in appropriate consistency exercises, for example intervention rating of suitable scenarios, at the earliest opportunity and before launch, and on an ongoing basis.

Local authorities may wish to consider involving food businesses with premises in their area in these exercises.

The FSA is funding consistency training, and may develop/organise national consistency exercises from time to time. Local authorities should ensure that they participate in any national exercises.

Records of participation in consistency exercises should be maintained by the local authority.

³⁵ In the longer term, it is the FSA’s intention to consider developing a sustainable training resource - the potential for developing interactive web-based training and re-fresher training will be considered as options.

Q14. Does participation in the FHRS have an impact on how reports of inspections/other interventions and correspondence with the FBO are managed?

A14. Participation in the FHRS should not affect the local authority's current practice in this regard.

The FHRS does not involve publication of inspection/intervention reports but it is essential that the current food hygiene rating of each food establishment is not contradicted by the authority's related correspondence.

Hygiene reports are discoverable under the Freedom of Information legislation and the FHRS does not affect the statutory right of consumers to request information.

Q15. Are local authorities required to use a standard template for the report of inspection/intervention?

A15. No. The FSA has, however, developed a standard template – see [Appendix 2](#) - and local authorities are strongly encouraged to use this. It should be noted that the template is intended to replace the Report of Inspection Form at Annex 6 of the *Food Law Code of Practice* (and is not intended to be used in addition to this).

Where this template is not used, local authorities must ensure that the information specified at Annex 6 of the *Food Law Code of Practice* is provided, either as a separate report or as part of a letter from the food authority to the FBO such that obligations in respect of reports are met.

Local authorities should also provide details of required priority actions/improvements to the FBO³⁶ in relation to the three elements of the intervention-rating scheme at Annex 5 of the *Food Law Code of Practice* so that the findings are clearly linked to the numerical rating given for:

- compliance with food hygiene and safety procedures;
- compliance with structural requirements; and
- confidence in management/control procedures.

This will help ensure clarity for businesses as to why a numerical score was allocated for a particular element.

Q16. What effect will operation of the FHRS have on intervention practice?

A16. Participation in the FHRS should not affect the local authority's current practice in this regard.

The FHRS is compatible with the *Food Law Code of Practice* and should not affect local authorities' use of the flexibilities in the Code (e.g. the intervention-rating under Annex 5 of the Code may be revised following an inspection, partial inspection or audit).

The FSA will keep the guidance on the FHRS under review to ensure that it remains consistent with any revisions to the *Food Law Code of Practice*.

³⁶ For multi-site businesses, local authorities must ensure that the food hygiene rating is communicated to the head office.

Q17. Will local authorities be required to take particular enforcement action in relation to food establishments with a particular rating under the FHRS?

A17. Local authorities should carry out enforcement activities in accordance with their documented enforcement policy and procedures in the normal way. They should also have regard to Section 4.2. 5 of the *Food Law Code of Practice* which highlights that food businesses that fail to comply with significant statutory requirements must be subject to appropriate enforcement action and re-visit inspection(s).

It is anticipated that poorest scoring establishments will receive formal enforcement action in line with the local authority's enforcement policy.

The scoring guidance at Section 5 outlines the likely enforcement action at different ratings, but specifies that action must be in accordance with the local authority's enforcement policy.

The FHRS should not be used as a means of alternative enforcement. It may encourage more proactive attention to compliance on the part of some businesses or motivate an FBO to rectify non-compliance more rapidly than may otherwise be the case. The FHRS must not, however, undermine the fundamental duty of local authorities to ensure that consumers are protected through the appropriate use of enforcement powers.

Local authorities should advise the FSA of any situations that arise where they consider that operating the FHRS compromises their obligations in terms of the Code.

Q18. How does the FHRS fit with the Primary Authority arrangements?

A18. Existing arrangements and mechanisms should continue.

Local authorities in England and Wales should have regard to the statutory Primary Authority Scheme, Primary Authority guidance issued by LBRO and individual Primary Authority Agreements dealing with food safety and hygiene.

When conducting food hygiene interventions with businesses subject to Primary Authority Agreements, Enforcing Authorities should have regard to any Primary Authority Inspection Plan, liaise with the Primary Authority where appropriate and provide feedback through the mechanism established by LBRO.

With regard to food hygiene ratings given as part of the FHRS, it is not considered necessary for enforcing authorities to notify the Primary Authority of individual ratings. Enforcing Authorities should, however, liaise with the Primary Authority, where appropriate, in discussing policy and interpretation issues to reduce the likelihood of any inconsistencies.

Q19. How does the FHRS fit with the Home Authority Principle arrangements?

A19. Existing arrangements and mechanisms should continue.

Local authorities in the UK should have regard to the Home Authority Principle, and obligations on food law enforcement services relating to this as detailed in the *Food Law Code of Practice* and 'the Standard' in the *Framework Agreement on Local Authority Food Law Enforcement*.

Q20. What is the mechanism for businesses to feed back comments and issues on consistency of operation of the FHRS?

A20. The FSA will monitor the number of appeals, requests for re-inspections/re-visits for re-rating, complaints etc. as part of the evaluation of the FHRS and on an ongoing basis, and this data will help to identify inconsistencies in operation.³⁷

A 'right to reply' for individual businesses is included in the FHRS as a safeguard mechanism.

A 'contact us' facility is provided at food.gov.uk/ratings so that businesses may provide feedback to the FSA. The FSA will liaise with local authorities on any relevant issues raised by businesses as appropriate.

Businesses may also provide feedback to their Primary Authority regarding the implementation of the FHRS by the Enforcing Authority.

Q21. What is the mechanism for consumers to feed back comments and issues on consistency of operation of the FHRS?

A21. Consumers can also use the 'contact us' facility at food.gov.uk/ratings to provide feedback to the FSA. The FSA will liaise with local authorities on any relevant issues raised by consumers as appropriate.

This does not preclude consumers from contacting their local authority or the relevant local authority that rated the establishment.

Consideration will be given to how best to highlight to consumers how they can feedback comments on the FHRS.

Q22. What is the mechanism for local authorities to feed back comments and issues on consistency of operation of the FHRS?

A22. The FSA will establish one or more local authority forums for identifying and discussing practical implementation issues and for providing the FSA with ongoing feedback on the FHRS. In the first instance, this will be through an 'early adopters' group(s).

Local authorities should continue to use existing mechanisms, including food liaison groups and Local Government Regulation (previously known as LACORS) to discuss issues of interpretation and consistency.

Clarification on policy issues may be raised through the local authority forum or directly with the FSA's Food Hygiene Ratings Team.

³⁷ A mechanism to collect this information is being considered but initially this may be through the local authority 'Early Adopters' forum.

Appendix 1: Sample agreement between the Food Standards Agency and local authority



FOOD HYGIENE RATING

[Name of LA Chief Executive/Council or Portfolio Leader]

[Name of LA]

[Address of LA]

[Date]

THE AGREEMENT

Dear [Name of LA signatory],

Implementation and operation of the Food Hygiene Rating Scheme

This letter of agreement is to confirm that [local authority name] agrees to implement and operate the Food Hygiene Rating Scheme in accordance with the 'Brand Standard' set out in 'The Food Hygiene Rating Scheme: Guidance for local authorities on implementation and operation – the 'Brand Standard'.

The Agreement comprises this letter and the appended 'Outline of Responsibilities'. Details of the process for terminating the Agreement are also appended.

You are requested to indicate your acceptance of this Agreement by signing both copies of this letter and returning them to the address below as soon as possible.

One copy will be signed on behalf of the Agency and returned to you.

Signed: (On behalf of the Local Authority)
Name (Print):
Position:
Date:

Signed: (On behalf of the Food Standards Agency)
Name (Print):
Position:
Date:

Aviation House
125 Kingsway
London WC2B 6NH
Email: hygieneratings@foodstandards.gsi.gov.uk



Food Hygiene Rating Scheme (FHRS) – Outline of responsibilities

[Name of local authority] undertakes to:

- Follow in full the Food Standards Agency's (FSA's) guidance on the FHRS - the 'Brand Standard'; and
- Give early warning of any emerging problems to the FSA so that advice and support may be offered to ensure that the credibility and integrity of the FHRS is not compromised.

The Food Standards Agency undertakes to:

- Keep the guidance for local authorities on the implementation and operation of the FHRS under review as the scheme beds in and to revise and update it as and when appropriate to reflect the experience of local authorities, any feedback from food businesses or from consumers, or other developments;
- Work with local authorities to resolve situations where they encounter difficulties in fulfilling their responsibilities to follow in full the FHRS 'Brand Standard' in order to ensure that the credibility and integrity of the scheme is not compromised;
- Provide and maintain the central database and on-line search facility for publishing food hygiene ratings and provide the associated IT support and training;
- Provide other support such as promotion of the FHRS to consumers and to businesses through appropriate channels;
- Monitor and audit the implementation and operation of the FHRS to ensure the consistent interpretation and application of the 'Brand Standard' and to work with local authorities to resolve any issues identified through this; and
- Conduct a formal evaluation of the FHRS after it is rolled out and within an appropriate timeframe.

Intellectual Property Rights

Any intellectual property rights (IPR) created during or resulting from the work to support the FHRS shall remain the property of the party by whom or on whose behalf the particular IPR were created.

Data protection

The parties confirm that they will observe their respective obligations in respect of the Data Protection Act 1998. Any data and information introduced by a party to support the work of the FHRS shall belong to that party.

Information access legislation

Both parties acknowledge that the other party is subject to the requirements of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 and each party will assist and cooperate with the other party to enable both parties to comply with such information disclosure obligations and to meet the necessary statutory deadlines.

FHRS - process for termination of Agreement

Note – The aim will be to resolve any problems or issues through informal discussion and that the processes outlined below will be used in exceptional circumstances only.

Prior notice

Where the local authority is considering terminating the agreement, it should give at least 14 days³⁸ prior notice to the FSA.

Where the FSA is considering terminating the agreement, unless there are immediate risks to public health protection, it similarly will give at least 14 days prior notice to the local authority.

In both sets of circumstances this provides a further opportunity to work together to try to resolve any issues/concerns and, where appropriate, to discuss whether additional support can be provided to allow the local authority to continue operating the FHRS.

Notification

Where the local authority has decided to terminate the agreement, it should notify the relevant FSA Director in writing outlining the reasons for this.

Where the FSA has decided to terminate the agreement, the local authority will be notified in writing of the FSA's decision and the reason for this. The local authority can appeal this decision – see below – but it should be noted that termination of the agreement is not suspended during the period in which such an appeal can be made or pending the outcome of an appeal once lodged.

Actions following termination of Agreement

Irrespective of which party terminates the agreement, the following steps must also be taken to ensure that the credibility and integrity of the FHRS is not compromised and to ensure that the reputations of the FSA, of the local authority concerned, and the businesses in the relevant area are safeguarded.

The FSA will:

- immediately notify stakeholders that the local authority is no longer participating in the FHRS by means of an announcement at food.gov.uk/ratings on both the home page and on the local authority's own page;
- immediately suspend the local authority's access to the national database so that no further ratings can be published; and
- within 14 days, remove the local authority's existing ratings from public access;
- notify the local authority when these steps have been taken.

The local authority will:

- If it also publishes ratings on its own website or another website, immediately notify local stakeholders that the authority is no longer operating the FHRS by means of an announcement on an appropriate website page, and within 14 days, remove any published ratings from its site;
- remove any FHRS branding from its website;

³⁸ Where references to numbers of 'days' are made these includes weekends and bank holidays.

- suspend distribution of any marketing and advertising material that incorporates FHRS branding;
- remove stickers/certificates from display in food business establishments as soon as possible and at the next planned intervention of that establishment at the latest;
- advise businesses in the area that the FHRS no longer operates and that the continued use of any branded materials for marketing and advertising purposes may constitute an offence under trading standards legislation; and
- confirm to the FSA that these actions have been taken.

Local authority appeals

If a local authority considers that the FSA decision to terminate the Agreement is unjust it may appeal against this. The process is as follows:

- The local authority can, within 14 days from the date of notification of termination, ask for the matter to be referred to an Advisory Disputes Panel (see box below).
- The Advisory Panel will be convened and will investigate the matter and report its findings and recommendations within six weeks.
- The FSA will review the Panel's report and within 14 days will notify the local authority of its decision as to whether it accepts the Panel's view.
- If the local authority remains dissatisfied its Chief Executive can within 14 days request that the dispute be referred to the FSA's Chief Executive.
- The FSA's Chief Executive will review the case and the Panel's report and issue a final decision that will be notified to the local authority within 14 days.

Advisory Disputes Panel

Membership will comprise representatives from or nominated by the Regulatory Support Unit of the Local Government Group and the Chartered Institute of Environmental Health as well as consumer and food industry representatives.

The Panel will elect its own chair.

The Secretariat function will be provided by the FSA.

Appendix 2 - Standard template forms

A number of FHRS templates forms are available.

Appeal form/'Right to reply' form/request for re-visit form

These are for use by FBOs. They can access copies via the 'Frequently Asked Questions' page of food.gov.uk/ratings.

Templates are also available on the local authority FHRS resources page of the FSA website at www.food.gov.uk/fhrsresources so that local authorities may download them, add their logo and relevant contact details and then upload them to their own websites so that local businesses may use them or provide hardcopies to FBOs if requested to do so.

Standard template intervention report

This is for use by local authorities in place of the Report of Inspection Form at Annex 6 of the *Food Law Code of Practice*.

As with the other forms, a template is available on the local authority FHRS resources page of the FSA website (see link above) so that local authorities may download it and add their logo.

A report containing the information detailed in the form must be provided to the FBO following each intervention. The information may be provided as a separate report or included as part of a letter from the Food Authority.

For FHRS purposes, the details of required improvements must be presented in any letter or report to FBOs in relation to the three elements of the intervention rating scheme used in determining the food hygiene rating. The FBO should be advised about the mechanisms for appealing the rating, for requesting a re-inspection/re-visit and the 'right to reply' mechanism, about when the food hygiene rating will be published at food.gov.uk/ratings, and when the certificate and sticker will be provided (Section 7 on the appeals procedure provides further information).

Food Hygiene Rating Scheme: Appeal form

Notes for businesses:

- As the food business operator of the establishment you have a right to appeal the food hygiene rating given following your inspection if you do not agree that the rating reflects the hygiene standards and management controls found at the time of the inspection.
- **You have 14 days (including weekends and bank holidays) from the date of receipt of the notification letter to lodge an appeal.**
- Please use the form below and return it to the Lead Officer for Food from your local authority – contact details are provided with the written notification of your food hygiene rating.
- The Lead Officer for Food will review your rating and communicate the outcome of your appeal to you within seven days.

Business details

Food business operator/proprietor

Business name

Business addresses

Business tel. number Business email

Inspection details

Date of inspection Food hygiene rating given

Date notified of rating

Appeal

- I do not agree with the food hygiene rating given by the food safety officer because (please explain below under each of the three headings).

Compliance with food hygiene and safety procedures

Compliance with structural requirements

Confidence in management/control procedures

Signature

Name in capitals

Position Date

Please now return this form to: Local authority contact details to be included

Food Hygiene Rating Scheme: Request for a re-visit

Notes for businesses:

- As the food business operator of the establishment you have a right to request a re-visit for the purposes of re-rating if you have taken action to rectify the non-compliances identified at the time of inspection.
- You can make one request for a re-visit per each planned statutory inspection by the local authority and you can make this at any time after the statutory inspection provided that you have made the required improvements.
- You must provide details of the improvements made with your request, including supporting evidence where appropriate.
- If the local authority considers that you have provided sufficient evidence that the required improvements have been made, and provided that a three month 'stand still' period has passed since the statutory inspection, the local authority will make an unannounced visit. This will take place within three months of the end of the three month 'stand still' period or within three months of the request if this made after the 'stand still' period (if you were only required to make permanent structural improvements or repairs or to upgrade equipment, the local authority can choose to carry out the requested re-visit sooner than this).
- The local authority officer will give you a 'new' food hygiene rating based on the level of compliance that is found at the time of the re-visit - you should be aware that your rating could go up, down or remain the same.
- To make a request for a revisit, please use the form below and return it to the food safety officer from your local authority – contact details are provided with the written notification of your food hygiene rating.

Business details

Food business operator/proprietor	<input type="text"/>		
Business name	<input type="text"/>		
Business addresses	<input type="text"/>		
Business tel. number	<input type="text"/>	Business email	<input type="text"/>

Inspection details

Date of inspection	<input type="text"/>	Food hygiene rating given	<input type="text"/>
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Action taken

Please describe the remedial action you have taken with reference to the issues identified in the inspection letter/report provided to you by your local authority with your score:

Compliance with food hygiene and safety procedures	<input type="text"/>
Compliance with structural requirements	<input type="text"/>
Confidence in management/control procedures	<input type="text"/>
Please provide any other supplementary evidence (e.g. photographs, invoices, copies of relevant HACCP documentation etc.).	<input type="text"/>

Signature	<input type="text"/>		
Name in capitals	<input type="text"/>		
Position	<input type="text"/>	Date	<input type="text"/>

Please now return this form to: **Local authority contact details to be included**

Food Hygiene Rating Scheme

'Right to reply'

Notes for businesses:

- As the food business operator of the establishment you have a 'right to reply' in respect of the food hygiene rating given following your inspection.
- The purpose is to enable you to give an explanation of subsequent actions that have been taken to make the required improvements as detailed in the inspection letter, or to explain mitigation for the circumstances at the time of the inspection. It is not for making complaints or for criticising the scheme or food safety officer.
- If you wish to use this 'right to reply', please use the form below and return it to the food safety officer that undertook your inspection - contact details are provided with the written notification of your food hygiene rating.
- Your comments will be reviewed by the food safety officer and may be edited in order to remove offensive or defamatory remarks before being published online and displayed together with your food hygiene rating at food.gov.uk/ratings.
- There will be a statement at food.gov.uk/ratings that will highlight that the accuracy of your comments has not been verified by local authority officers

Business details

Food business operator/proprietor

Business name

Business addresses

Inspection details

Date of inspection Food hygiene rating given

Comments

- I agree with the inspection results but have since carried out the following improvements (tick all that apply):
- The establishment has been thoroughly cleaned and procedures are in place to ensure that cleanliness is maintained.
 - The establishment has been or will shortly be fully renovated.
 - A new management system has been implemented.
 - There is now a new manager and/or new staff.
 - The staff have been trained/re-trained/given instruction/are under revised supervisory arrangements.
 - Other – please specify below.

- The conditions found at the time of the inspection were not typical of the normal conditions maintained at the establishment and arose because (Please explain below and use only the space provided. You can also state any other improvements made):

Signature

Name in capitals

Position Date

Please now return this form to: Local authority contact details to be included

Business details

Name of the food business operator/food business proprietor	
Trading name	
Business/Branch and Head Office addresses	
Registered address(if different)	
Type of business	

Intervention details

Date, time and intervention type (to be specified)	
Specific food law under which intervention conducted	
Areas inspected/audited (to be specified)	
Name(s) of person(s) seen and/or interviewed	
Documents and/or other records examined (to be specified)	
Samples taken (to be specified)	
Key points discussed during the visit (to be specified)	
Action to be taken by the Food authority (to be specified)	

Priority actions/improvements necessary

Compliance with food hygiene and safety procedures	
Compliance with structural requirements	
Confidence in management/control procedures	

Food hygiene rating

Criteria assessed	Annex 5 score
Compliance with food hygiene and safety procedures	
Compliance with structural requirements	
Confidence in management/control procedures	
Food hygiene rating	

Notes for food business operator

- If you consider that the rating given is unjust, you may appeal this with the local authority lead officer for food or in his/her absence, by the designated deputy.
- A weblink to information on the scheme including template forms for lodging an appeal or 'right to reply' is available at food.gov.uk/ratings. A paper copy will be provided on request.

Local authority and inspecting officer details

Signed	
Name in capitals	
Designation of inspecting officer	
Contact details of inspecting officer	
Contact details of senior officer in case of dispute	
Food Authority name and address	
Date	

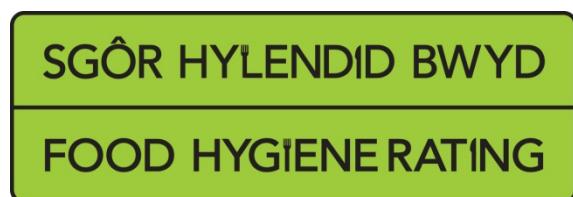
Appendix 3 - FHRs logos, stickers and certificates

Note

Details of suppliers of the materials and of how to obtain high resolution images are provided in the Communications Toolkit.

There are English versions and Welsh/English bilingual versions for use by local authorities in Wales.

Logos



Stickers

Examples for the rating of '3' and 'awaiting inspection' are used

There are two options for stickers:

- 1) FSA logo plus statement 'this scheme is operated in partnership with your local authority'; and
- 2) FSA logo and space for the local authority logo to be added by the commercial printer/supplier.




Food Standards Agency
 food.gov.uk/ratings


CITY OF LOCAL AUTHORITY COUNCIL

FOOD HYGIENE RATING

0 1 2 **3** 4 5

GENERALLY SATISFACTORY


Food Standards Agency
 food.gov.uk/ratings

This scheme is operated in partnership with your local authority

FOOD HYGIENE RATING

AWAITING INSPECTION


Asiantaeth Safonau Bwyd
 food.gov.uk/ratings


Food Standards Agency

This scheme is operated in partnership with your local authority

SGÔR HYLENDID BWYD
FOOD HYGIENE RATING

0 1 2 **3** 4 5

BODDHAOL AR Y CYFAN
GENERALLY SATISFACTORY

Back of the sticker



Name of business

The Café, 2 High Street, Exometown
AA2 BB2

Date of hygiene rating

7 October 2011

Local authority name

City of Local Authority

This sticker remains the
property of the local authority

Authorising signature

John Smith

Certificates

Examples for the rating of '3' and 'awaiting inspection' are provided.

FOOD HYGIENE RATING

012345

**GENERALLY
SATISFACTORY**

The Café
2 High Street
Exampton AA2 BB2

<p>Date of hygiene rating 7 October 2011</p> <p>Authorising signature <i>John Smith</i></p>	<p>Contact details Environmental Health City of Local Authority 14 Street Exampton, AA1 BB2 Tel: 0111 222 333</p>
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For more information about the Food Hygiene Rating Scheme visit food.gov.uk/ratings

The food hygiene rating shown above reflects the standards found on the date of inspection or visit by the local authority. Ratings are given on a scale from 0 (urgent improvement necessary) up to 5 (very good). The rating is not a guide to food quality.



CITY OF
LOCAL AUTHORITY
COUNCIL



**Food
Standards
Agency**
food.gov.uk/ratings

This certificate remains the property of the local authority which reserves the right to remove it at any time.

FOOD HYGIENE RATING

AWAITING INSPECTION

The Café
2 High Street
Examptown AA2 BB2

Date issued

7 October 2011

Authorising signature

John Smith

Contact details

Environmental Health
City of Local Authority
14 Street
Examptown, AA1 BB2
Tel: 0111 222 333

For more information about the Food Hygiene Rating Scheme visit food.gov.uk/ratings

The business named above will be given a food hygiene rating when it is next inspected by the local authority. Ratings are given on a scale from 0 (urgent improvement necessary) up to 5 (very good). The rating is not a guide to food quality.



This certificate remains the property of the local authority which reserves the right to remove it at any time.

SGÔR HYLENDID BWYD FOOD HYGIENE RATING



BODDHAOL
AR Y CYFAN
GENERALLY
SATISFACTORY

The Cafe, 2 High Street
Examptown AA2 BB2

Dyddiad y sgôr hylendid
Date of hygiene rating

7 October 2011

Llofnod awdurdodi
Authorising signature

John Smith

Manylion cyswllt
Contact details

Environmental Health
City of Local Authority
14 Street
Examptown, AA1 BB2
Tel: 0111 222 333

I gael rhagor o wybodaeth am y Cynllun Sgorio Hylendid Bwyd, ewch i food.gov.uk/ratings
For more information regarding the Food Hygiene Rating Scheme visit food.gov.uk/ratings

Mae'r sgôr hylendid bwyd a nodir uchod yn adlewyrchu safonau'r safle ar ddyddiad yr archwiliad neu'r ymweliad gan yr awdurdod lleol. Caiff pob safle sgôr rhwng 0 (angen gwella ar unwaith) a 5 (da iawn). Nid yw'r sgôr yn ymwneud ag ansawdd y bwyd.

The food hygiene rating shown above reflects the standards found on the date of inspection or visit by the local authority. Ratings are given on a scale from 0 (urgent improvement necessary) up to 5 (very good). The rating is not a guide to food quality.



Eiddo'r Awdurdod Lleol yw'r dystysgrif hon ac mae ganddo'r hawl i'w thynnu'n ôl ar unrhyw adeg
This certificate remains the property of the local authority which reserves the right to remove it at any time.