



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

**Revision 8 - issued June 2023**

# Key changes in Version 8

In Version 8, we have:

- updated Q&A 19 in Section 2 (Scope) to clarify that decisions on exempting food businesses from the scheme should not be based solely on their risk category
- updated Q&A 21 in Section 2 (Scope) and Table 6 in Section 10 (Use of the Food Hygiene Rating Scheme IT platform) to provide additional clarity on the appropriate status to be used in uploads for childminders and caring services provided in the home.
- updated Q&A 23 and new Q&A 24 in Section 2 (Scope) and Table 6 in section 10 (Use of the Food Hygiene Rating Scheme IT Platform) to provide additional guidance on the types of establishments where there may be sensitivities with publishing their details

# Contents

|  |            |
|--|------------|
| <b>Key changes in Version 8</b> .....  | <b>1</b>   |
| <b>Contents</b> .....  | <b>2</b>   |
| <b>List of Tables</b> .....  | <b>3</b>   |
| <b>List of Figures</b> .....   | <b>4</b>   |
| <b>Summary</b> .....   | <b>5</b>   |
| <b>Introduction</b> .....  | <b>6</b>   |
| <b>Section 1: Formal partnership agreements</b> .....  | <b>9</b>   |
| <b>Section 2: Scope</b> .....  | <b>13</b>  |
| <b>Section 3: Scoring using the food hygiene intervention rating scheme set out in the Food Law Code of Practice (England)</b> ..... | <b>28</b>  |
| <b>Section 4: Mapping of intervention rating scores to the food hygiene rating</b> ..  | <b>53</b>  |
| <b>Section 5: Notification of food hygiene ratings</b> .....   | <b>55</b>  |
| <b>Section 6: Appeals</b> .....  | <b>59</b>  |
| <b>Section 7: ‘Right to reply’</b> .....   | <b>65</b>  |
| <b>Section 8: Requests for re-inspections/re-visits for re-rating purposes</b> .....   | <b>67</b>  |
| <b>Section 9: Use of Food Hygiene Rating Scheme branding</b> .....   | <b>72</b>  |
| <b>Section 10: Use of the Food Hygiene Rating Scheme IT platform</b> .....   | <b>76</b>  |
| <b>Section 11: Establishing and operating a Consistency Framework</b> .....  | <b>87</b>  |
| <b>Appendix 1: Sample partnership agreement between the Food Standards Agency and Local Authority</b> .....                          | <b>95</b>  |
| <b>Appendix 2: Standard template forms</b> .....   | <b>99</b>  |
| <b>Appendix 3: Logos and stickers</b> .....  | <b>100</b> |
| <b>Appendix 4: Descriptors for ratings breakdown at <a href="http://food.gov.uk/ratings">food.gov.uk/ratings</a></b> .....           | <b>101</b> |

# List of Tables

|  |           |
|--|-----------|
| <b>Table 1 - Description of the standards .....</b>  | <b>30</b> |
| <b>Table 2 - Description of the standards – ‘at a glance’.....</b>   | <b>47</b> |
| <b>Table 3 - Mapping of numerical scores from the intervention-rating scheme in the Food Law Code of Practice to the six FHRs food hygiene ratings .....</b> | <b>54</b> |
| <b>Table 4 - Examples of the highest score and corresponding rating.....</b>   | <b>54</b> |
| <b>Table 5 - FHRs ‘Data Standard’ .....</b>  | <b>77</b> |
| <b>Table 6 - information that will appear at <a href="https://www.food.gov.uk/ratings">food.gov.uk/ratings</a>.....</b>                                      | <b>81</b> |

# List of Figures

|  |           |
|--|-----------|
| <b>Figure 1 - Decision tree for determining which types of establishments should receive a food hygiene rating .....</b> | <b>24</b> |
| <b>Figure 2 – Decision tree to assist officers with applying the Sensitive status .....</b>                              | <b>26</b> |
| <b>Figure 3 - Flowchart illustrating the appeals procedure .....</b>   | <b>60</b> |

# Summary

This guidance represents the Brand Standard for the Food Hygiene Rating Scheme (FHRS). Local authorities in England 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.

## Legal status

Legal questions relating to the implementation and operation of the FHRS and the FSA's views on these, are set out in ['Food Hygiene Rating Scheme– Legal issues' \(March 2021\)](#).

## Who is this publication for?

This guidance is for local authorities in England only.

# Introduction

## The Food Hygiene Rating Scheme

1. The FHRs, which applies in England, Wales and Northern Ireland, is a Food Standards Agency (FSA) and local authority partnership initiative. A different scheme, the Food Hygiene Information Scheme, operates in Scotland. The FHRs operates on a voluntary basis in England and on a statutory basis in Wales and Northern Ireland.
2. The 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 reflects the inspection findings. The basis for this is the 'food hygiene intervention rating scheme', as set out in the [Food Law Code of Practice \(England\)](#).
3. The purpose of the FHRs is to allow consumers to make informed decisions about the places they eat out or shop for food and, through these decisions, 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.
4. There are six different food hygiene ratings ('0' up to '5') - the top rating represents a 'very good' level of compliance with legal requirements. All businesses irrespective of the nature or size of their operation should be able to achieve this. Food hygiene ratings are published at [food.gov.uk/ratings](http://food.gov.uk/ratings) and businesses are encouraged to display stickers showing their food hygiene ratings at their premises where consumers can easily see them.
5. The FHRs incorporates safeguards to ensure fairness to businesses. This includes an appeal procedure and a 'right to reply' for publication (together with the food hygiene rating). These are published at [food.gov.uk/ratings](http://food.gov.uk/ratings), alongside a mechanism for requesting an inspection/re-visit for re-rating when improvements have been made.

## Development of the FHRs

6. The FHRs was developed on the basis of advice and guidance from the Food Hygiene Ratings Steering Group. This Group advises on the operation of the scheme. It is independently chaired and includes local authority, consumer and food industry representatives as well as officials from the FSA and the Department for Business and Trade.

## Local authority guidance - the FHRs Brand Standard

7. This Guidance is endorsed by the Food Hygiene Ratings Steering Group and is presented in a question & answer (Q&A) format. It covers all aspects of implementation and operation of the FHRs. This includes:
  - Formal partnership agreements (Section 1)
  - Scope (Section 2)
  - Scoring using the food hygiene intervention rating scheme set out in the Food Law Code of Practice (England), (Section 3)
  - Mapping of intervention rating scores to the food hygiene rating (Section 4)
  - Notification of food hygiene ratings (Section 5)
  - Appeals (Section 6)
  - 'Right to reply' (Section 7)
  - Requests for re-inspections/re-visits for re-rating purposes (Section 8)
  - Use of Food Hygiene Rating Scheme branding (Section 9)
  - Use of the Food Hygiene Rating Scheme IT platform (Section 10)
  - Establishing and operating a Consistency Framework (Section 11).

## Resource materials

8. The FSA has developed a [range of resources](#) to help local authorities implement and operate the FHRs. These are updated regularly to reflect feedback from local authorities and any relevant developments and will be supplemented as necessary on an ongoing basis.
9. The current range of resources includes:
  - **Communications Toolkits** - these are issued to coincide with campaigns and seasonal events to provide advice and guidance on promoting the FHRs at the local level and generally include template press releases and details of other promotional materials
  - **[Information for businesses](#)** - 'how to' guide to help businesses use their rating as a marketing tool and guidance on [how to display ratings online and on social media](#).
  - **[Standard forms](#)** - [inspection form](#), [letter template for routine notification of rating](#), [appeal form](#), ['right to reply' form](#), [request for a re-visit form](#), and [early publication form](#)
  - **[Standard website text](#)** - this provides local businesses and local consumers with information on the scheme, and also advice to businesses about improving their ratings
  - **User Documentation for the IT platform** - [guidance](#) to help local authorities upload data to the website and to run reports on this



- [Top tips](#) - these were issued with the aim of improving and maintaining data accuracy and consistency of application of the Brand Standard.
- **Consistency training materials** - [materials used for national consistency exercises](#) are available for use with new officers or contractors.

## FHRS Evaluation

10. The FSA is committed to monitoring and evaluating the FHRS to assess:
- consumer awareness and understanding of the scheme and its impact on consumer behaviour
  - the impact on local authority intervention-rating programmes and on resources
  - business attitudes towards and understanding of the scheme, levels of voluntary display and the impact on compliance levels
  - the effectiveness of the scheme as a public health protection measure.

The FSA Board, the Food Hygiene Ratings Steering Group, the FHRS Local Authority User Group and stakeholders more generally, are kept up to date on a regular basis on progress. All research and evaluation reports are published on the FSA website.

## Review and revision of the Guidance

11. The FSA will keep this Guidance under review on an ongoing basis and will revise and update it as necessary, 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 in the light of findings of any research or evaluation that the FSA commissions.

## Further information

12. For further advice or information please contact: [hygieneratings@food.gov.uk](mailto:hygieneratings@food.gov.uk).

# Section 1: Formal partnership agreements

## General information

- 1.1 Consistent implementation and operation of the FHRs is critical to ensure that consumers are able to make meaningful decisions. It allows for comparisons of food hygiene ratings for businesses within a single local authority area and across different local authority areas. This is also critical in ensuring that businesses are treated fairly and equitably.
- 1.2 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 have entered into 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.
- 1.3 Guidance on the partnership agreement 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 that participating local authorities agree to specified conditions in order to safeguard the credibility and integrity of the scheme.

### **Q2. What form does 'sign up' take and who are the signatories to the agreements?**

A2. Each participating local authority and the FSA sign an 'agreement' - an example is provided at Appendix 1.

Agreements with local authorities in England are signed on behalf of the FSA by the Director with responsibility for the FHRs.

Agreements are 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 are the FSA's commitments?**

A3. The FSA is committed to keeping the guidance on implementation and operation of the FHRs under review. It revises and updates 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 are the commitments of each local authority?**

A4. Local authorities are 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. Do agreements with individual local authorities differ in content?**

A6. No. The agreement with each participating local authority is 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 days (this includes weekends and bank holidays) prior notice before formally terminating the partnership 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 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 regard 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, the Local Authority FHRS User Group or the Local Government Association.

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).

**Q10. What is the process 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). It should be noted that termination of the agreement is not suspended during the appeal period or pending the outcome of an appeal.

Irrespective of which party terminates the agreement, the following steps must be taken. This is to ensure that the credibility and integrity of the FHRS is not compromised and to ensure that the reputations of the FSA, the local authority concerned and 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](https://www.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
  - 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 own website if applicable
  - remove any FHRS branding from its website
  - suspend distribution of any marketing and advertising material that incorporates FHRS branding
  - remove stickers (and any remaining 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
- 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 on the Panel's view.

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

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 Local Government Association 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 2: Scope

### General information

- 2.1 The scope of the FHRs in England 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.
- 2.2 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.
- 2.3 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
  - those that do not supply food direct to consumers (fall outside the scope of the FHRs) and are, therefore, not rated.
- 2.4 The decision tree at Figure 1 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.
- 2.5 Local authorities can also consult the FSA's [Local Authority Enforcement Monitoring System \(LAEMS\) guidance](#) to get an initial steer on how to categorise food business establishments.

### 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 (food business operators must register new food business establishments at least 28 days before food operations commence). 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 17 to 19).

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. The establishment should receive a food hygiene rating when it is inspected unless specific circumstances apply (see Q&A 17 to 19). The food hygiene rating should be determined from the intervention rating for the

establishment as a whole (and local authorities should not start registering separately the retail element of the establishment and giving it a separate intervention rating to that for the non-retail element of the operation).

**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
- 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.

Some establishments within these categories will not be given a food hygiene rating because specific circumstances apply (see Q&A 17 to 19).

**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 – they are 'excluded' from scope. 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 in the [LAEMS Guidance](#).

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 food business operators (FBOs) of 'excluded' establishments (such as manufacturers) to opt into the FHRs?**

A4. It is the FSA's intention to keep extension of the scope of the scheme to such businesses under review (in Wales, these businesses have been included in the statutory scheme since November 2014).

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

**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 17 to 19 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](https://www.food.gov.uk/ratings), to deal with appeals against ratings, to deal with requests to publish a 'right to reply' and to deal with requests for re-inspections/re-visits.

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

In other cases where the unit operates across authorities, 'inspecting authorities' must liaise with the 'registering authority' in order to avoid duplication of interventions and ratings. The 'inspecting authority' should send the 'registering authority' a copy of any documentation such as the inspection report at the same time as this is sent to the FBO.

If the FBO is provided with documentation at the time of intervention, a copy should be forwarded to the 'registering authority' as soon as possible. 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 also in dealing with appeals against ratings, dealing with requests to publish a 'right to reply' and dealing with requests for re-inspections/re-visits.

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. Instead, they trade exclusively or predominantly 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](https://www.food.gov.uk/ratings). They will take account of information supplied by other 'inspecting authorities' (if applicable) in determining the rating, dealing with appeals and requests for re-inspections/re-visits.

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 2.12.13 of the Food Law Practice Guidance (England).

If mobile units are registered in Scotland under the Food Hygiene Information Scheme (FHIS), but trade elsewhere in the UK, the 'inspecting authority' should contact the local authority in Scotland that issued the FHIS sticker or certificate. If significant issues are identified, the authority in Scotland may take this information into account.

Local Food Liaison Groups may provide a suitable forum for discussion and agreement of arrangements.

Template letters and other materials are available on the [Smarter Communications platform](#) to help local authorities apply this guidance.



**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 be rated where this is feasible and practical unless any of the specific circumstances set out at Q&A 17 to 19 apply. It is not always feasible to inspect, rate and issue an FHRs sticker because of short advance notice of occasional markets taking place, and their generally short duration.

Given the range in nature of these market stalls/markets, arrangements for undertaking interventions and rating are best determined at the local level. The key point is that the 'inspecting' authority must liaise with the 'registering' authority 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 and bars 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'.

Similarly, bars and clubs with bars that only serve drinks fall within the definition of scope and should be rated.

**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 17 to 19 apply, these are included within the scope of the FHRs and should be given a rating. This applies even if the establishment is only open for a few months a year. In such cases, the rating should appear on the FSA website all year round as holiday plans are made pre-season.

As is the case for other 'low-risk' establishments that should receive a food hygiene rating, local authorities may have used historical data at launch to give ratings or may be taking a staged and gradual approach to bringing them into the scheme in which case, they can be rated at their next appropriate intervention.

**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? The [FSA's guidance on how food law applies to food provision in village halls and to other community activities](#) should be considered when determining whether registration is appropriate or not.

- Does it supply food direct to the consumer?
- Is the hall or centre a 'low risk' establishment not generally recognised 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 and being rated as part of the scheme. They should be distinguished by the name of the food business.

**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 (England). They also fall within the defined scope of the FHRs.

The inherent security sensitivities should be taken into account in deciding whether or not to publish the rating for the establishment .

As regards the Armed Forces, the issue can be discussed with the Head of Establishment or Unit Commander. Where a decision is made not to rate such premises due to security sensitivities, but the FBO requests it, a food hygiene rating and a corresponding sticker may still be issued.

Information on these establishments should be uploaded to the local authority portal of the IT platform. No information should be published at [food.gov.uk/ratings](http://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 the food hygiene intervention rating scheme set out in the Food Law Code of Practice) then it would be appropriate for it to be given a hygiene rating. For example, ferries which go back and forth from the same points (including river ferries, ferries going between UK ports and cross-channel ferries), 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).

For ferries, where more than one UK port is involved, it is important that the relevant authorities agree on which should rate the vessel so that each has only one rating.

Not all vessels are intervention rated. For example, cruise liners that have ship's sanitation certificates, and are subject to a different inspection strategy to the intervention rating scheme. In such cases, local authorities are not required to change their existing practices and start using the food hygiene intervention rating scheme. Each vessel should be considered on a case by case basis. The important thing will be to justify why a particular vessel is not included in the scheme if the FBO requests this.

#### **Q12. Should trains be rated?**

A12. The Food Law Practice Guidance (England) highlights that individual trains and coaches are not subject to separate registration but rather that the main establishment should be registered.

The local authority with responsibility for the main establishment should include an assessment of a representative number of trains or coaches. This applies where the food service units across the stock are of similar design and operate to common food safety management procedures. The intervention rating and the food hygiene rating should reflect the standards within the main establishment and the representative trains and coaches.

#### **Q13. Are businesses with internet sales covered?**

A13. If supplying food direct to the consumer, it does not matter whether consumers actually visit the premises. These companies fall within the scope of the FHRs and should be rated (where the local authority can properly apply the intervention rating scheme) unless any of the specific circumstances set out at Q&A 17 to 19 apply.

#### **Q14. How are additional brand names and trading names displayed?**

A14. Where a single business operates multiple brands online, such as a restaurant offering takeaways via a delivery platform using different brand names ('virtual brands'), there should be a single registration. This assumes that the business **does not** meet the criteria for single registration for multiple linked establishments, set out in paragraph 2.12.11.1 of the Food Law Code of Practice and Practice Guidance.

The additional brand names operated should be completed on the food registration form to provide additional information. It would not be appropriate to require separate registration for each brand described in these circumstances.

So that consumers can locate the food hygiene rating, the brand names should be included in the business name field on the FHRs website. Including all names on the FHRs website enables consumers searching by all brand names to readily locate the rating. This can be achieved by using the term 'also trading as' or 'also t/a' e.g., Mr Pizza also trading as New York Hotdogs and Ocean Fish and Chips.

### **Q15. When should new establishments be rated?**

A15. Local authorities are encouraged to provide new establishments with an 'awaiting inspection' sticker when they register. The new establishment should be rated under the FHRS at the first inspection, partial inspection or audit as soon as possible after registration. This should be done unless any of the specific circumstances set out at Q&A 17 to 19 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. 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](http://www.food.gov.uk/ratings), and that the 'new' establishment is shown as 'awaiting inspection'.

In cases where there is solely a change to the name of the establishment, but the FBO is the same, a new 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. A new food hygiene rating should be given at the first inspection, partial inspection or audit.

It is recommended that local authorities take account of this in their 'closures' procedure.

Establishments that are 'awaiting inspection' should be shown on [www.food.gov.uk/ratings](http://www.food.gov.uk/ratings)

To do this either:

- (i) Upload records with a status of 'included' or 'included and private' but no scores for hygiene, structure and confidence in management. This will show the record as 'awaiting inspection'. Please note, the system will only accept either the three scores or three blank fields. The upload will fail if one or two scores are provided accompanied by one or two blank fields; or
- (ii) Upload records with a status of 'awaiting inspection' 'awaiting inspection and private'.

Further details on how to upload premises 'awaiting inspection' can be found in Section 4.3 of the [Food Hygiene Rating Scheme – Guidance on the IT system](#).

### **Q16. Where establishments fall within the scope are comprised of different units, should each unit be rated separately?**

A16. Each registered food business establishment should receive a rating. Where the individual units are registered as a single food business establishment for example 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 should wherever possible intervention rate the establishment as a single entity at an inspection, partial inspection or audit 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, separate food hygiene ratings should be given. This would apply in the case of 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.

**Q17. What action should be taken regarding the rating of a food business where legal action is being considered?**

A17. If the establishment has been closed (either through formal action or voluntarily) because of an imminent risk to public health, it should not have a food hygiene rating whilst it remains closed. If the business is not trading, no information about the business should be published. If and when the establishment re-opens, it should have a rating. The rating should be based on the most recent inspection, partial inspection or audit undertaken.

If the establishment is still trading and still supplying food to the public, it should have a food hygiene rating which should be published at [food.gov.uk/ratings](http://food.gov.uk/ratings). Where the existing rating no longer reflects current hygiene standards, local authorities must reconsider the intervention rating and hence the food hygiene rating.

Specific advice on ratings for establishments linked to food poisoning outbreaks is given at Section 5, Q&A 7.

**Q18. What are the specific circumstances that mean some establishments within the scope should not be rated?**

A18. In line with decisions made by the FSA's Board when the framework for the scheme was agreed, 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 19); and
- certain establishments operating from private addresses (see Q&A 21).

This point will be kept under review and the guidance revised if appropriate.

**Q19. What types of businesses constitute 'low-risk' establishments which are not generally recognised by consumers as being food businesses?**

A19. 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 recognised as food businesses by consumers. This is often because 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 a case-by-case basis and on its merits. The officer should take 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 that do not require refrigeration, amongst a range of other goods
- leisure centres with only food vending machines selling drinks or low-risk foods
- newsagents only selling pre-packed confectionery that does not require refrigeration (and petrol stations with a retail element akin to such newsagents rather than a small supermarket)
- chemist shops selling only pre-packed confectionery that does not require refrigeration and/or health foods
- off licences selling only drinks and pre-wrapped goods that do not require refrigeration.

Please note that food establishments must not be exempted from the scheme based solely on their risk category as set out in Annex 1 of the Food Law Code of Practice. For example, a home caterer, with a risk category of 'E', that has been subject to Alternative Enforcement Strategy (AES), would still be considered as a food business by consumers. Therefore, it should be included in the scheme and have a record published on [www.food.gov.uk/ratings](http://www.food.gov.uk/ratings). This should be the rating given at their initial inspection, or any subsequent inspection, or shown as 'awaiting inspection' if they are yet to receive an inspection.

**Q20. Should a rating be given following Alternative Enforcement Strategy (AES) interventions?**

A20. No. Establishments can only be given a rating following an inspection, partial inspection, or audit. 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 self-assessment by an FBO, for example by questionnaire. Where AES interventions have been utilised, the dates of these should not be extracted from the local authority database and uploaded to the FHRS portal. In this instance the local authority should continue to upload the information from the last inspection, partial inspection or audit which relates to the food hygiene rating.

**Q21. What is meant by 'certain establishments operating from private addresses'?**

A21. This covers 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 given a Food Hygiene Rating (guidance on the

status that should be assigned for the purposes of IT is provided in Section 10). You may wish to refer to the FSA's Guidance for local authorities on the application of food hygiene regulations in relation to domiciliary care, assisted living and care homes, and on registration and inspection requirements.

This was a change in policy that was introduced at Revision 3 of the Brand Standard. Where a business 'opted in' before July 2014, the rating given may be retained if it is valid. This means until a new inspection, partial inspection or audit is undertaken.

This does not include home caterers. They should be given a food hygiene rating as consumers expect them to be part of the FHRS. When publishing these ratings at [food.gov.uk/ratings](http://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.

**Q22. How should local authorities deal with requests for a food hygiene rating from FBOs where their establishment is not rated because the specified circumstances set out at Q&A 18 to 20 apply?**

A22. Businesses that request a rating should be advised that they are outside of the FHRS and will not be rated.

This ensures consistency with the statutory FHRS schemes operating in Wales and Northern Ireland and it means that all businesses in these categories are on a level playing field in the three countries operating the scheme.

This represents a change in policy that was introduced at Revision 3 of the Brand Standard, so where a business 'opted in' before July 2014, the rating given may be retained as long as it is valid. This means until a new inspection, partial inspection or audit is undertaken.

**Q23. Should all establishments be listed at [food.gov.uk/ratings](http://food.gov.uk/ratings), and what details should be published?**

A23. 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)
- Any establishment where there are sensitivities associated with publishing details – they should be given the Sensitive status so that no details are published on the FHRS website (see Q.24 below).
- child-minders that still have a valid food hygiene rating (see Q&A 21) 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. If establishments 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.

Table 6 details the appropriate 'status' to be used in your upload.

The 'Find out more about the ratings' Section at [food.gov.uk/ratings](https://www.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.

#### **Q24. Which establishments should be given the Sensitive status?**

A24. The Sensitive status should be used for an establishment that supplies food direct to consumers and is given a rating and a sticker but where the local authority judges there are sensitivities about publishing any name and address information due to security or safeguarding issues. When this status is used, no information is published at all for that establishment on the FHRS website.

It is very important that officers consider carefully which establishments should not be published on the FHRS platform. The Brand Standard cannot give comprehensive advice about sensitive establishments because only local authorities have the knowledge to make the appropriate judgement about individual cases. If in doubt, an officer should consult the FBO itself or seek the advice of other services within the local authority, such as child services. A key consideration would be whether details of the establishment are already published by the business. Local authorities should also consider seeking guidance from the officer with responsibility for the UK General Data Protection Regulations and Data Protection Act 2018.

Examples of establishments that a local authority may consider appropriate for the Sensitive status include (but are not necessarily limited to):

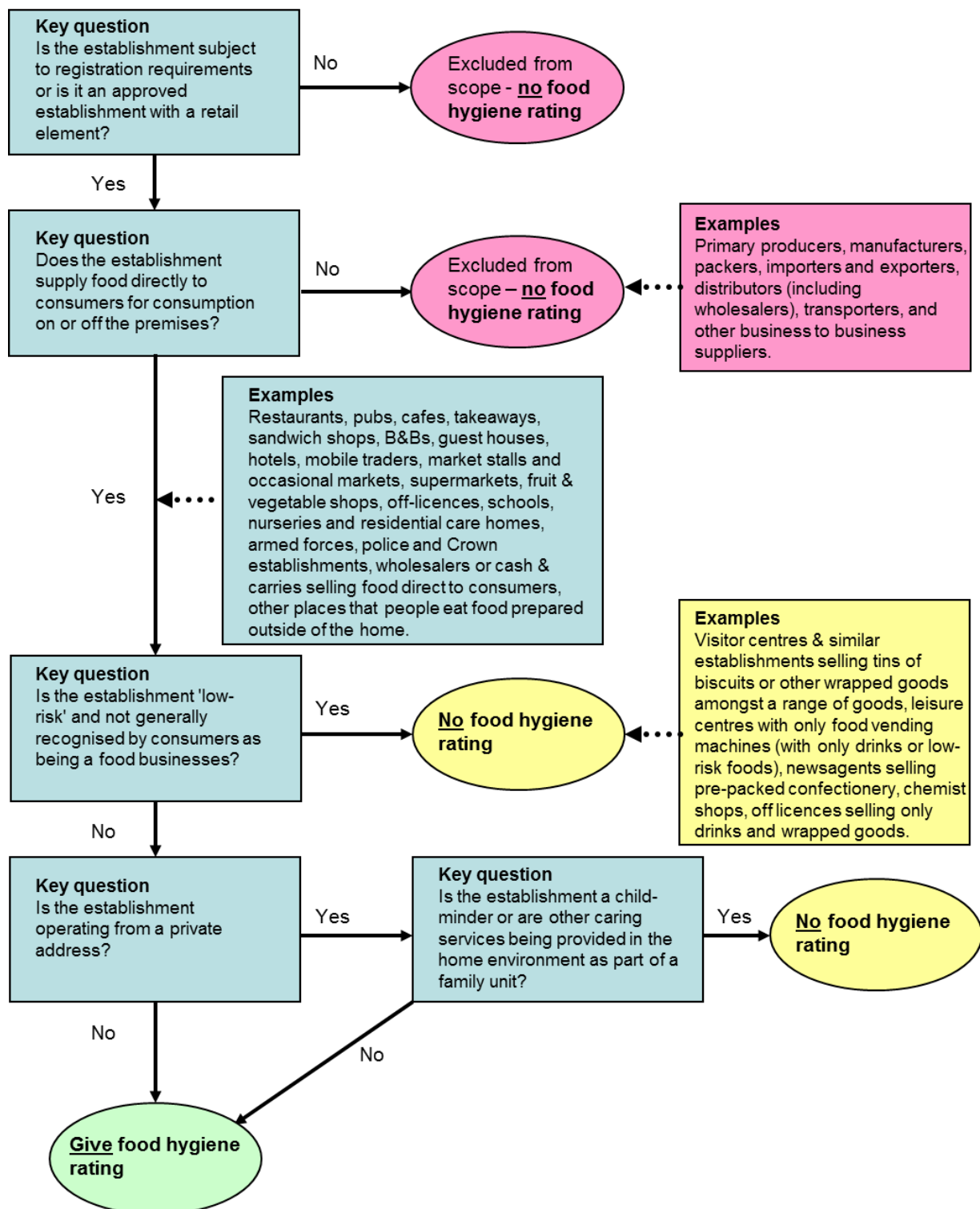
- a) Hostels, where the establishment's details are not already published and where publication may be sensitive (such as domestic abuse refuges, or hostels for people on bail or those who are homeless);
- b) Certain children's or adult homes providing residential care, where the establishment's details are not already published and where publication may be sensitive.
- c) Armed Forces, Police and Crown establishments where the establishment's details are not already published and where publication may be sensitive.

A decision tree is presented in Figure 2 to assist officers in applying the Sensitive status.



**Figure 1 - Decision tree for determining which types of establishments should receive a food hygiene rating**

See also Section 10 on use of the Food Hygiene Rating Scheme IT platform



## **Description of Figure 1 - Decision tree for determining which types of establishments should receive a food hygiene rating**

Start: Key question 1 – Is the establishment subject to registration requirements or is it an approved establishment with a retail element? If yes, follow key question 2. If no, Excluded from scope – no food hygiene rating. Finish.

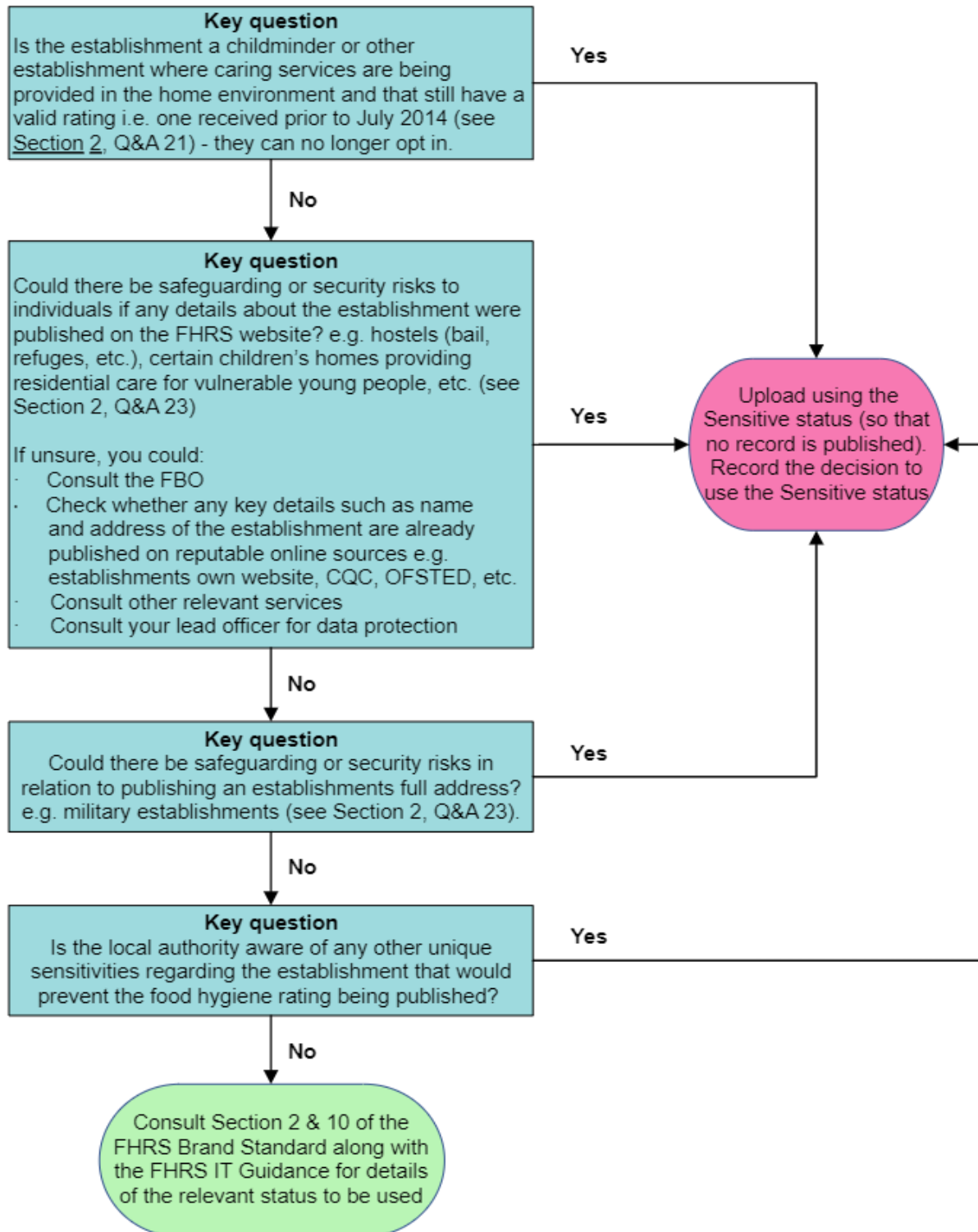
Key question 2 – Does the establishment supply food directly to consumers for consumption on or off the premises? If yes, follow key question 3. Examples if yes include: restaurants, pubs, cafes, takeaways, sandwich shops, B&Bs, guest houses, hotels, mobile traders, market stalls and occasional markets, supermarkets, fruit and vegetable shops, off-licences, schools, nurseries and residential care homes, armed forces, police and Crown establishments, wholesalers or cash & carries selling food direct to consumers, other places that people eat food prepared outside of the home. If no, Excluded from scope – no food hygiene rating (for example, primary producers, manufacturers, importers and exporters, distributors (including wholesalers), transporters, and other business-to-business suppliers). Finish.

Key question 3 – Is the establishment ‘low risk’ and not generally recognised by consumers as being a food business? If no, follow key question 4. If yes – no food hygiene rating (for example, visitor centres and similar establishments selling tins of biscuits or other wrapped goods amongst a range of goods, leisure centres with only food vending machines (with only drinks or low risk foods), newsagents selling pre-packed confectionery, chemist shops, off licences selling only drinks and wrapped goods). Finish.

Key question 4 – Is the establishment operating from a private address? If yes, follow key question 5. If no, give food hygiene rating. Finish.

Key question 5 – Is the establishment a childminder or are other caring services being provided in the home environment as part of a family unit? If no, give food hygiene rating. Finish. If yes, no food hygiene rating. Finish.

**Figure 2 – Decision tree to assist officers with applying the Sensitive status**



## **Description of Figure 2 – Decision tree to assist officers with applying the Sensitive status**

Start: Key question 1 - Is the establishment a childminder or other establishment where caring services are being provided in the home environment and that still have a valid rating i.e. one received prior to July 2014 (see [Section 2](#), Q&A 21) - they can no longer opt in. If no, follow key question 2. If yes, Upload using the Sensitive status (so that no record is published). Record the decision to use the Sensitive status. Finish.

Key question 2 - Could there be safeguarding or security risks to individuals if any details about the establishment were published on the FHRS website? e.g. hostels (bail, refuges, etc.), certain children's homes providing residential care for young people, etc. (see [Section 2](#), Q&A 23). If unsure, you could:

- Consult the FBO
- Check whether any key details such as name and address of the establishment are already published on reputable online sources e.g. establishments own website, CQC, OFSTED, etc.
- Consult other relevant services
- Consult your lead officer for data protection

If no, follow key question 3. If yes, Upload using the Sensitive status (so that no record is published). Record the decision to use the Sensitive status. Finish.

Key question 3 - Could there be safeguarding or security risks in relation to publishing an establishments full address? e.g. military establishments (see [Section 2](#), Q&A 23). If no, follow key question 4. If yes, upload using the Sensitive status (so that no record is published). Record the decision to use the Sensitive status. Finish.

Key question 4 - Is the local authority aware of any other unique sensitivities regarding the establishment that would prevent the food hygiene rating being published? If yes, Upload using the Sensitive status (so that no record is published). Record the decision to use the Sensitive status. Finish. If no, consult [Section 2 & 10](#) of the FHRS Brand Standard along with the FHRS IT Guidance for details of the relevant status to be used. Finish.

# Section 3: Scoring using the food hygiene intervention rating scheme set out in the Food Law Code of Practice (England)

## General information

- 3.1 The basis for the FHRS is the 'food hygiene intervention rating scheme' set out in the Food Law Code of Practice (England). 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 only 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, for example by questionnaire.**
- 3.2 The following elements of the 'food hygiene intervention rating scheme' are relevant to calculating the food hygiene rating:
- the level of (current) compliance with food hygiene and safety procedures, (including food handling practices and procedures, and temperature control)
  - the level of (current) compliance with structural requirements (including cleanliness, layout, condition of structure, lighting, ventilation, facilities etc.)
  - confidence in management/control procedures (CIM).
- 3.3 Table 1 sets out the guidance in the Food Law Code of Practice 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. The intervention rating for an establishment must be based on this guidance in the Food Law Code of Practice.
- 3.4 Table 1 also includes descriptions of the standards that would, in practice, be expected of a business in order to achieve the Code of Practice scores for the purposes of intervention rating. These standards are provided to illustrate and complement the guidance in the Food Law Code of Practice and not to supplement it or replace it. The Food Law Code of Practice should always be referred back to for more detailed information. The standards are summarised for 'at a glance' use at Table 2.
- 3.5 Table 1 highlights that in judging whether a business requires documented food safety management procedures and, if so, the level of documentation required, the flexibilities provided by Article 5 of Regulation (EC) 852/2004 on food hygiene and related [European Commission Guidance Document](#) should be taken into account. The level of documentation will vary between businesses depending on the types and complexity of operations being undertaken and on the level of controls being implemented.

- 3.6 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 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.
- 3.7 It is important to note that one of the basic principles underlying use of the intervention rating scheme is that officers should use the full range of scores available within the system, as its purpose will be frustrated by cautious marking or by a reluctance to recognise effective management/control systems.
- 3.8 It is also important to note that the Code of Practice states that the confidence in management/control procedures assessment is not meant to reconsider specific issues taken into account in assessment of compliance with food hygiene and safety procedures and structural requirements. It does, however, require a judgement on the likelihood of satisfactory compliance being maintained in the future. One of the factors to be taken into account includes satisfactory HACCP-based procedures and they cannot be termed 'satisfactory' (in terms of maintaining compliance) if they are not being properly implemented. Food hygiene and safety procedures and structural issues that reflect non-adherence to HACCP-based procedures will affect the confidence in management/control procedures score, alongside the other factors detailed in the Code.
- 3.9 In considering confidence in management, the term 'management' covers the system as a whole. For a multi-site business, the company-wide management system and procedures are key. As part of the assessment, an officer must also consider the local store level management. This is also important and will influence how these systems and procedures are applied.
- 3.10 The general assessment of hygiene procedures during an inspection should include consideration of the control of cross-contamination, including any allergen-related contamination identified in preparing food specifically for consumers with a food allergy or intolerance. These controls should be part of a business's food safety management system and should be taken into account when completing the assessment (see Chapter 4 of the Food Law Code of Practice).
- 3.11 Where there is a Primary Authority Agreement, enforcing authorities must follow any Primary Authority Inspection Plan so that HACCP-based procedures are not subject to unnecessary further assessment. Enforcing authorities should, however, consider implementation of the HACCP-based procedures in the same way as for independent 'single outlet' businesses.
- 3.12 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 (further information can be found in the [industry guides to good food hygiene](#)).

**Table 1 - Description of the standards (Note – text in the table in bold indicates potential ‘gold-plating’)**

**Level of (current) compliance with food safety and hygiene procedures**

**Code of Practice – general guidance**

The score should reflect compliance observed during the inspection according to the specific guidance for each score. In circumstances where the failure to comply involves both elements of the establishment’s structure and procedures, this non-compliance should be reflected in the score awarded for both ‘hygiene’ and ‘structural’ factors.

| Score | Description in Food Law Code of Practice                | Description of what the score might be expected to look like in practice   |
|-------|---|--|
| 25    | Almost total non-compliance with statutory obligations. | <p>Evidence of almost total non-compliance with legal requirements. Imminent and serious risks. 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.</p> <p>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> |

| Score | Description in Food Law Code of Practice                                    | Description of what the score might be expected to look like in practice   |
|-------|---|--|
| 20    | General failure to satisfy statutory obligations – standards generally low. | <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> |



| Score | Description in Food Law Code of Practice  | Description of what the score might be expected to look like in practice  |
|-------|---|---|
| 15    | Some major non-compliance with statutory obligations – more work required to prevent fall in standards. | <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.</p> <p>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> |

| Score | Description in Food Law Code of Practice  | Description of what the score might be expected to look like in practice   |
|-------|---|--|
| 10    | <p>Some non-compliance with statutory obligations and industry codes of recommended practice* that are not considered significant in terms of risk (but may become significant if not addressed). Standards are being maintained or improved.</p> | <p>Evidence of some non-compliances that are not significant in terms of risk (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> |

| Score | Description in Food Law Code of Practice   | Description of what the score might be expected to look like in practice  |
|-------|--|---|
| 5     | Good standard of compliance with statutory obligations and industry codes of recommended practice* with only minor contraventions.                   | <p>Evidence of 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 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> |
| 0     | High standard of compliance with statutory obligations and industry codes of recommended practice, conforms to accepted good practices in the trade. | <p>Evidence of meeting legal requirements <b>or exceeding legal requirements.</b></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><b>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.</b></p>   |

## Level of (current) compliance with structural requirements

### Code of Practice – general guidance

The score should reflect compliance observed during the inspection according to the specific guidance for each score. In circumstances where the failure to comply involves both elements of the establishment's structure and procedures, this non-compliance should be reflected in the score awarded for both 'hygiene' and 'structural' factors.

| Score | Description in Food Law Code of Practice                | Description of what the score might be expected to look like in practice   |
|-------|---|--|
| 25    | Almost total non-compliance with statutory obligations. | <p>Evidence of almost total non-compliance with legal requirements. Imminent and serious risks. 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. 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) in relation to structural requirements.</p> |

| Score | Description in Food Law Code of Practice                                    | Description of what the score might be expected to look like in practice  |
|-------|---|---|
| 20    | General failure to satisfy statutory obligations – standards generally low. | <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> |

| Score | Description in Food Law Code of Practice  | Description of what the score might be expected to look like in practice   |
|-------|---|--|
| 15    | Some major non-compliance with statutory obligations – more work required to prevent fall in standards. | <p>Evidence of some major non-compliance with legal requirements. 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 current pest 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> |

| Score | Description in Food Law Code of Practice   | Description of what the score might be expected to look like in practice  |
|-------|--|---|
| 10    | <p>Some non-compliance with statutory obligations and industry codes of recommended practice that are not considered significant in terms of risk (but may become significant if not addressed). Standards are being maintained or improved.</p> | <p>Evidence of some non-compliances that are not significant in terms of risk (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 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. 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.</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 (e.g. there may be minor pest proofing required but no evidence of current 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> |

| Score | Description in Food Law Code of Practice   | Description of what the score might be expected to look like in practice   |
|-------|--|--|
| 5     | Good standard of compliance with statutory obligations and industry codes of recommended practice with only minor contraventions.                    | <p>Evidence of 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 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> |
| 0     | High standard of compliance with statutory obligations and industry codes of recommended practice; conforms to accepted good practices in the trade. | <p>Evidence of meeting legal requirements <b>or exceeding legal requirements.</b></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. Evidence of effective pest control and waste disposal provision.</p> <p><b>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.</b></p>                     |



## **Confidence in management/control procedures**

### **Code of Practice – general guidance**

This score should assess whether a business' food safety management/control procedures are appropriate, with the identification of the correct hazards and controls, whilst the assessment of the level of current compliance achieved as a result of practices being carried out should be considered as part of the compliance with food hygiene and safety procedures element in Part 2.

Where management has an effective food safety management system in place which is well understood by the workforce, they should achieve a good standard in Part 2, and consequently a low score for that risk 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.

Assessment of "Management" may include two elements; corporate management (any company-wide systems and processes for food controls) and local management (implementation by local management of corporate systems and separate branch or "in store" systems and processes).

Where the establishment has a Primary Authority, the Primary Authority may assess and indicate an indicative score for Confidence in Management based on corporate management systems being properly implemented. Officers should not attempt to reassess the corporate management element but should consider the score based upon the degree of local implementation by local management.

Officers should also reflect the level of reassurance provided by checks undertaken on the food safety management systems directly at an individual establishment via an independent third party as part of an assurance scheme which address applicable legislation.

The confidence in management/control procedures score is not solely about documented procedures and their implementation. Factors that will influence the officer'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
- hygiene and food safety knowledge, including hazard analysis/HACCP and the control of critical points
- satisfactory food safety management based procedures

In determining 'satisfactory' in respect of HACCP based procedures, officers should consider, based on the principle of proportionality, the need for a permanent procedure or procedures based on HACCP principles, i.e. commensurate with the nature and size of the food business (see [European Commission Notice 2016/C/278/01 – Guidance document on the implementation of procedures based on the HACCP principles, an on the facilitation of the implementation of the HACCP principles in certain food businesses](#)). In some food businesses there are not critical control points and in some cases good hygiene practices can replace the monitoring of critical control points. The requirement for businesses to retain records also needs to be flexible in order to avoid undue burdens for very small businesses.

For small businesses which present only basic hygiene hazards, it may be sufficient that the business has in place good hygiene practices and understands and applies it i.e. meets the prerequisites. The requirement for records needs to be balanced with the nature and size of the business. Documentation and record keeping may not be necessary under the flexibility afforded by Article 5 of Regulation (EC) 852/2004. Officers should consider guidance in relation to the application of Article 5 in order to make a judgement on whether the business requires documented food safety management procedures, and if so on the level of documentation required. The level of documentation will vary between businesses depending on the types and complexity of operations being undertaken and on the level of controls being implemented.

| Score | Description in Food Law Code of Practice  | Description of what the score might be expected to look like in practice  |
|-------|---|---|
| 30    | <p>Poor track record of compliance.</p> <p>Little or no food safety knowledge and understanding.</p> <p>Little or no appreciation of hazards, risks or quality control.</p> <p>No food safety management procedures.</p> <p>Does not recognise or accept the need for food safety and hygiene controls.</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) 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 understood and no effective controls in place.</p> <p>Major improvements in food safety procedures/implementation of controls required. 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, risks or controls.</p> <p>Appropriate staff not adequately trained in application of HACCP principles. Poor track record, may be some evidence of previous problems.</p> |

| Score | Description in Food Law Code of Practice   | Description of what the score might be expected to look like in practice  |
|-------|--|---|
| 20    | <p>Significantly varying record of compliance.</p> <p>Insufficient food safety knowledge and understanding. Poor appreciation of hazards, risks and control measures.</p> <p>No food safety management procedures or unsatisfactory progress in terms of developing, documenting and implementing food safety management procedures, commensurate with type of business, since the last intervention rating.</p> <p>Some reluctance in recognising or accepting the need for food safety and hygiene control procedures.</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) 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>; or little or no progress made in developing, documenting and implementing food safety management procedures, commensurate with type of business, since the last intervention rating.</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. Some staff not suitably supervised, instructed and/or trained in food hygiene.</p> <p>Appropriate staff not adequately trained in application of HACCP principles. Varying track record, may be some evidence of previous problems.</p> |

| Score | Description in Food Law Code of Practice  | Description of what the score might be expected to look like in practice  |
|-------|---|---|
| 10    | <p>Satisfactory record of compliance. Access to relevant food safety advice source and/or Guides to Good Practice or assurance schemes commensurate with type of business.</p> <p>Understanding of significant hazards and control measures in place.</p> <p>Has implemented satisfactory food safety management procedures or is making satisfactory progress towards documented food safety management procedures commensurate with type of business.</p> <p>Officers will need to ensure that a business is demonstrating it is actually 'making satisfactory progress' towards food safety management procedures. A score of 10 can be awarded for more than one intervention cycle if:</p> <ul style="list-style-type: none"> <li>• the previous non-compliances have been addressed but different non-compliances have arisen; <b>and</b></li> <li>• the overall risk has not increased.</li> </ul> | <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 were 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, or 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> |

| Score | Description in Food Law Code of Practice   | Description of what the score might be expected to look like in practice   |
|-------|--|--|
| 5     | <p>Good record of compliance.</p> <p>Food safety advice available in-house or access to, and use of, technical advice from a Primary or Home Authority, trade associations and/or from Guides to Good Practice or assurance scheme commensurate with type of business.</p> <p>Effective management control of hazards.</p> <p>Having effective self-checks with satisfactory documented food safety management procedures commensurate with type of business.</p> <p>Audit by Competent Authority confirms general compliance with procedures with minor non-conformities not identified as 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 (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. 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>Food safety advice available in-house or access to, and use of, technical advice from a Primary or Home Authority, trade associations or assurance scheme or 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> |

| Score | Description in Food Law Code of Practice  | Description of what the score might be expected to look like in practice  |
|-------|---|---|
| 0     | <p>Excellent record of compliance. Food safety advice available in-house or access to, and use of, technical advice from a Primary Authority or Home Authority, trade associations and/or from Guides to Good Practice or assurance schemes commensurate with type of business.</p> <p>Food Business Operator/ Manager knowledgeable and competent.</p> <p>Has effective self checks with satisfactory documented food safety management procedures commensurate with type of business, and may have external audit processes in place.</p> <p>Audit by Competent Authority confirms good compliance with food safety procedures.</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 safety management procedures.</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><b>External audit of food safety management procedures.</b></p> <p>Hazards understood, properly controlled, managed and reviewed with supporting evidence. Food safety management procedures adequately cover all activities.</p> <p>Food safety management records appropriate for size and nature of business are maintained.</p> <p><b>Access to food safety advice within organisation.</b></p> <p>All staff suitably supervised, instructed and/or trained in food hygiene. Appropriate staff trained in application of HACCP principles.</p> <p>Excellent 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> |

**Table 2 - Description of the standards – ‘at a glance’**

| Score            | Hygiene  | Structure   | CIM  | Compliance                   | Risk to public health       | FBO action  | LA action   |
|------------------|--|---|--|------------------------------|-----------------------------|---|---|
| 25<br>CIM<br>=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/docu mented 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> <p>Does not recognise or accept need for food safety hygiene and controls.</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> |



| Score | Hygiene  | Structure  | CIM  | Compliance                           | Risk to public health             | FBO action   | LA action   |
|-------|--|--|--|--------------------------------------|-----------------------------------|--|---|
| 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 or little or no progress made since the last intervention.</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> <p>Some reluctance to recognise and accept need for food safety and hygiene controls.</p> | Major and widespread non-compliance. | Widespread and significant risks. | Address all identified non-compliances as a matter of urgency within stipulated timescale. | 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. |

| Score | Hygiene  | Structure  | CIM             | Compliance                 | Risk to public health   | FBO action  | LA action   |
|-------|--|--|-----------------|----------------------------|-------------------------|---|---|
| 15    | <p>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>Significant improvements needed in standard of structure and equipment cleaning, maintenance, and repair, and in hand and equipment washing facilities.</p> <p>Poor design layout potentially leading to cross-contamination and to food safety being compromised.</p> <p>Major noncompliance with structural requirements (e.g., may be some damaged work surfaces, some significant dirt.)</p> <p>Evidence of pest activity or inadequate waste disposal provision.</p> | 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. |

| Score | Hygiene   | Structure  | CIM   | Compliance  | Risk to public health                    | FBO action  | LA action  |
|-------|---|--|---|---|--|---|--|
| 10    | <p>Standards being maintained or improving.</p> <p>Some lapses in food hygiene and safety procedures.</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>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.</p> <p>Evidence of satisfactory pest control.</p> <p>Evidence of satisfactory waste disposal provision.</p> | <p>Generally satisfactory food safety controls in place.</p> <p>All significant hazards understood and controls in place.</p> <p>Food safety management records appropriate and are generally maintained but some deficiencies/gaps identified.</p> <p>Staff generally suitably supervised, instructed and/or trained but there may be some minor issues.</p> <p>Satisfactory track record.</p> | <p>Evidence of some non-compliances that are not critical to food safety (i.e., are not significant but may become so if not addressed)</p> | <p>No unacceptable risks identified.</p> | <p>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).</p> | <p>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.</p> |

| Score | Hygiene  | Structure  | CIM  | Compliance  | Risk to public health       | FBO action   | LA action  |
|-------|--|--|--|---|-----------------------------|--|--|
| 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>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>Only minor follow-up action in relation to issues that are not critical to food safety.</p> |

| Score | Hygiene   | Structure  | CIM   | Compliance                               | Risk to public health | FBO action       | LA action                             |
|-------|---|--|---|--|-----------------------|------------------|---------------------------------------|
| 0     | All necessary control measures in place to prevent cross-contamination.<br>Safe food preparation, cooking, re-heating, cooling, and storage of food demonstrated. | No repairs required and no potential improvements identified, or robust procedures in place for ongoing rectification of minor repairs.<br>Premises and equipment clean and in good condition.<br>Evidence of effective pest control and waste disposal provision. | Food safety management / procedures in place.<br>Hazards understood, properly controlled, managed and reviewed.<br>Food safety management records appropriate and maintained.<br>All staff suitably supervised, instructed and/or trained.<br>Excellent track record. | Meeting or exceeding legal requirements. | No risks identified.  | None identified. | Report of inspection provided to FBO. |

# Section 4: Mapping of intervention rating scores to the food hygiene rating

## General information

- 4.1 The following elements of the 'food hygiene intervention rating scheme' set out in 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.)
  - confidence in management/control procedures.
- 4.2 Each element is numerically scored against the relevant criteria on the basis of guidance given in the Food Law Code of Practice and in Section 3 of this document.

## Mapping intervention rating scores to the six food hygiene ratings of the FHRS

- 4.3 The intervention rating numerical scores are then 'mapped' to the six food hygiene ratings. These range from '0' at the bottom to '5' at the top. Any business should be able to achieve the top rating as it requires basic compliance with food hygiene law.
- 4.4 The rating depends on the overall level of compliance – the total intervention score for the three elements – 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. Table 3 sets out this mapping.
- 4.5 This means that where an individual intervention rating score exceeds the additional scoring factor, the food hygiene 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 in Table 4.

**Table 3 - Mapping of numerical scores from the intervention-rating scheme in the Food Law Code of Practice to the six FHRS food hygiene ratings**

| Total intervention rating scores | 0 to 15                            | 20                                  | 25 to 30                            | 35 to 40                            | 45 to 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 |

**Table 4 - Examples of the highest score and corresponding rating**

| Individual intervention rating scores | Total intervention rating 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                   |

4.6 The decision to use numbers with simple word descriptors for the ratings was based on the findings of [independent research with consumers](#).

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



# Section 5: Notification of food hygiene ratings

## General information

- 5.1 Guidance on the process for notifying FBOs of their food hygiene rating is given in a 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 the food hygiene intervention rating scheme 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 an inspection, partial inspection or audit.

The only possible exception is where a re-visit is undertaken in response to a request from an FBO for a re-rating, in which case the FHRs 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. Notifying the FBO of its rating at the time of intervention and issuing the sticker at the same time provides a good opportunity to highlight to the FBO the advantages of displaying the rating in a prominent position so that potential customers can see it. Local authorities may wish to consider this when establishing or revising the policy (See [FHRs 'Top Tips' on increasing visibility of the FHRs](#)).

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 days from the date of the intervention (this includes weekends and bank holidays).

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.

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 and who should be notified in the case of multi-site businesses?**

A3. For multi-site businesses, as well as notifying the outlet, local authorities **must** ensure that the food hygiene rating is also communicated to the head office by sending a copy of the notification letter, together with a copy of any other documents, such as a separate inspection report, sent to the outlet or left on-site. The sticker should be sent to the outlet rather than the head office.

If the outlet is notified at the time of intervention, the head office should be notified as soon as possible afterwards. In such cases the date at which the outlet is notified triggers the appeal period.

**Q4. What information should the local authority provide to an FBO with the notification of the establishment's food hygiene rating following the intervention at which a rating was determined?**

A4. The following information should be provided in writing:

- the food hygiene rating itself and details of the intervention rating scheme scores from which this was determined (the template letters provided by the FSA provide an explanation of the scores and how they are used to determine the food hygiene rating)
- details of why the establishment was rated as it was and, in cases where the top rating has not been achieved, the actions needed in order to achieve legal compliance for each of the three intervention rating scheme elements that are used for the FHRS. Details recorded must be sufficient to support the score given for each element to inform the FBO and to facilitate internal monitoring or enable review where an appeal is made (see Q&A 6).
- details of when the food hygiene rating will be published at [food.gov.uk/ratings](http://food.gov.uk/ratings) (see Section 10, Q&A 8), and when the FBO will receive a 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](http://food.gov.uk/ratings) highlighting further information on appeals, as well as information on the 'right to reply' and re-inspections/re-visits mechanisms, and forms for businesses to lodge an appeal, for request a re/inspection/re-visit, and submit a 'right to reply', can be obtained (FBOs should also have the option of requesting hard copies of information and forms from the local authority)

- where a charge is made for requested re-inspections the letter should clearly state this and include details of the amount charged and the payment method(s) available
- details of how the FBO can request that the [rating is published](#) before the appeal period has elapsed.

Local authorities may wish to use the [standard notification letter template](#).

**Q5. Should the sticker for the existing rating be removed at the time of intervention at which a 'new' rating is given?**

A5. The sticker for the previous rating or the 'awaiting inspection' sticker can be removed if a rating of 5 is given. Otherwise, the sticker should not be removed as the 'new' rating does not become valid until the end of the appeal period. Removal of the sticker potentially compromises the FBO's right to appeal. This is consistent with the operation of the statutory schemes in Wales and Northern Ireland.

The business should be requested to destroy any sticker it has for the previous rating at the end of the appeal period and reminded that to continue to display this may constitute an offence under trading standards legislation for example an offence under the Consumer Protection from Unfair Trading Regulations 2008.

The local authority is not expected to routinely re-visit businesses specifically to check that stickers have been removed. Where hygiene standards have deteriorated significantly, it is likely that an enforcement re-visit will be undertaken and if the sticker for the previous rating is still on display, it can be removed then.

If a member of the public reports a business displaying an incorrect rating, the business should be contacted in order to maintain consumer confidence in the scheme.

**Q6. How should details of why the establishment was rated as it was and on what actions are needed to achieve legal compliance be presented to the FBO?**

A6. The information should be presented for each of the three elements assessed - hygiene, structure and confidence in management/control procedures. For each element, there should be enough detail to facilitate FBO internal monitoring and/or a review upon an appeal. The officer must ensure that legal requirements are clearly differentiated from recommendations of good practice (see Section 4 of the Food Law Code of Practice).

**Q7. Where an establishment is being linked to an outbreak of food poisoning, what rating should be given and when?**

A7. The local authority's primary focus should be on the outbreak and the steps necessary to safeguard public health until the case has been resolved and the outbreak control team has reported.

In terms of the FHRS, if the establishment is still trading, it should still have a rating.

If the local authority considers that the existing rating is no longer relevant, it should re-rate the establishment at the earliest opportunity and without compromising the primary focus. The need to provide consumer information should be taken into

account. The new rating should be based on an inspection, partial inspection or audit. It should be notified to the FBO and published in the usual way. As for any business receiving a new rating, the sticker for the previous rating should not be removed until the appeal period has elapsed.

In terms of the score for confidence in management/control procedures, the important thing is that this is based on the inspecting officer's professional judgement with due regard to the guidance in the Food Law Code of Practice and that the decision made is justified and documented.

If the establishment is closed, it should not have a rating whilst it remains closed, i.e. is not trading, and no information about the business should be published and any sticker (or certificate) on display should be removed (there is no appeal pending in such cases). If and when the establishment re-opens, it should have a food hygiene rating. Generally, the rating will be based on the most recent inspection, partial inspection or audit undertaken.

## Section 6: Appeals

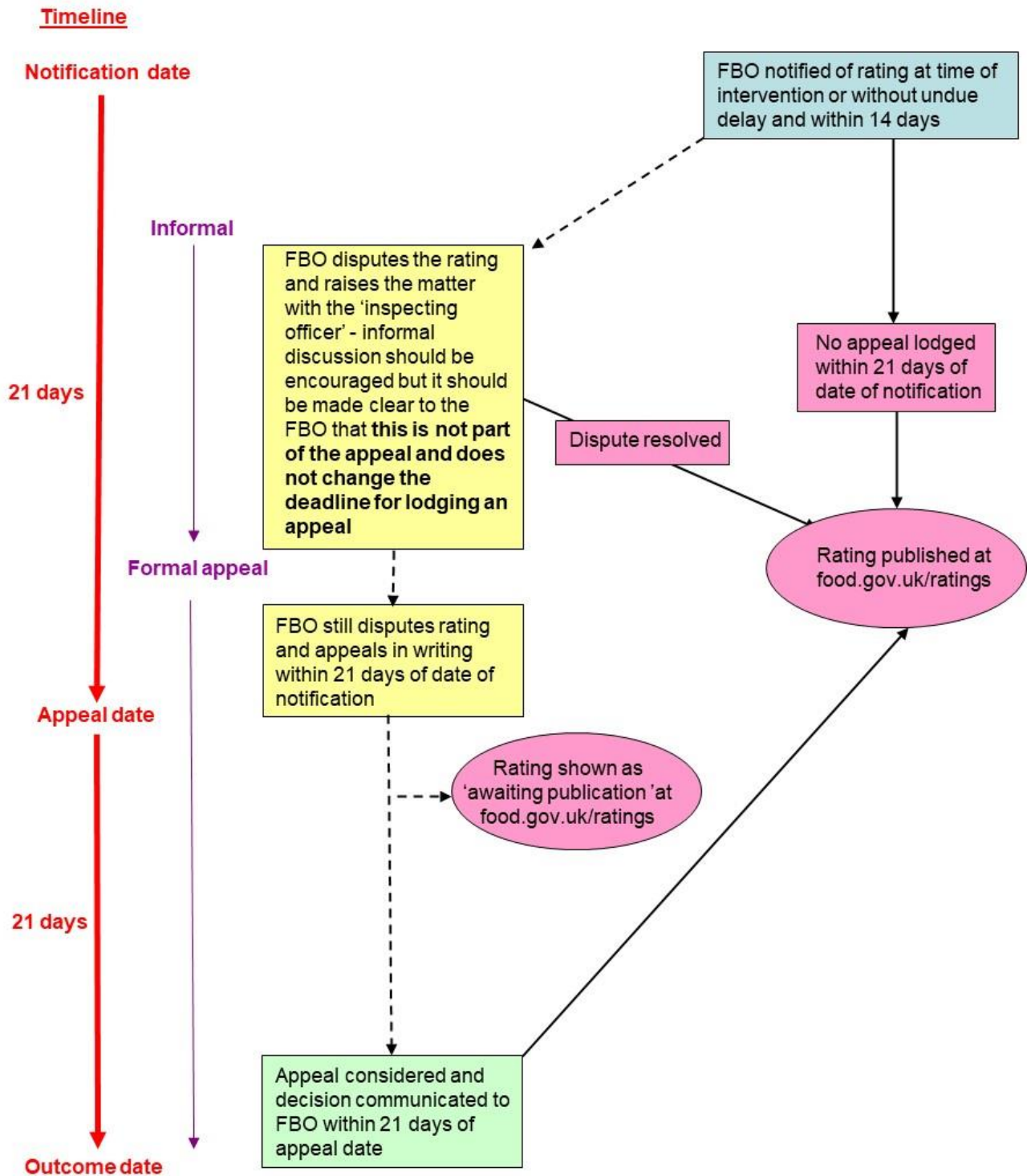
### Note on extension of appeal periods

From October 2016, the appeal period was extended from 14 to 21 days, and the determination period from 7 to 21 days to align with the statutory schemes in Wales and Northern Ireland.

### General information

- 6.1 To ensure fairness to businesses, local authorities must have an appeal procedure in place for FBOs to dispute the food hygiene rating given in respect of their establishment.
- 6.2 The FHRS appeal procedure is illustrated in Figure 3. In essence, if an FBO wishes to dispute the food hygiene rating given by the 'inspecting officer' (i.e. the officer undertaking the intervention) on behalf of the local authority, the FBO may appeal this. The appeal should be determined either by the local authority's Lead Officer for Food or by a designated deputy or by the Lead Officer for Food or a designated deputy in another authority. No officer involved in the production of the rating, or in the inspection on which the rating is based, should consider the appeal.
- 6.3 An FBO disputing a rating should be encouraged to discuss this informally first with the 'inspecting officer' so that there is an opportunity to help explain to the FBO how the rating was worked out as this may help resolve the matter without the FBO having to lodge an appeal. Any such discussions do not form part of the formal appeal process and do not change the deadline within which an appeal must be lodged. This should be made clear to the FBO so that they may lodge an appeal, and may subsequently withdraw it, if they wish.
- 6.4 Guidance in Q&A format is provided below to assist local authorities in operating the appeals procedure and in providing information to businesses about this.

**Figure 3 - 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 a designated deputy (or by the Lead Officer for Food or a designated deputy in another authority).

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 appeal procedure?

A1. The appeal procedure is relevant where the FBO wishes to dispute the food hygiene rating given as not reflecting the hygiene standards and management controls found at their establishment at the time of intervention.

### Q2. When is it not appropriate for an FBO to use the appeal procedure?

A2. An appeal is **not** appropriate in circumstances where an FBO has accepted the food hygiene rating, but 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. The FBO can be reminded that pending a requested re-inspection/re-visit taking place, a 'right to reply' may be submitted to tell consumers about improvements that have been made.

An appeal may be made after a re-inspection/re-visit if the FBO disputes the 'new' food hygiene rating given as it does not reflect the hygiene standards and management controls found at their establishment at the time of the re-inspection/re-visit (see Q&A 13).

### Q3. How long does an FBO have to appeal the food hygiene rating before it is published?

A3. The appeal has to be made in writing within the period of 21 days beginning with the date of notification. The numbers of days includes weekends and bank holidays. 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 also footnote 15). 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.

A standard [template form](#) that FBOs may use to appeal the food hygiene rating is available on the FSA website. [A version for co-branding](#) is available so that local authorities may download it, add their logo and relevant contact details, and provide it to FBOs via their own websites or in hardcopy form if requested to do so.

After the 21 day period has elapsed, the food hygiene rating will be published at [food.gov.uk/ratings](http://food.gov.uk/ratings) if no appeal has been lodged.

### Q4. Can the rating be published before the appeal period has ended?

A4. Yes. The FBO can request a new rating is published at [www.food.gov.uk/ratings](http://www.food.gov.uk/ratings) before the end of the appeal period. You should ensure consent is received in writing (email will suffice) and retained on file. A form is available on the [FSA website](#). The [FHRS IT guidance](#) explains how to publish a rating early.

**Q5. Should appeals lodged later than 21 days after the notification of the food hygiene rating be considered?**

A5. No. Appeals must be made within 21 days of the notification of the food hygiene rating. After this time, the rating should be published at [food.gov.uk/ratings](http://food.gov.uk/ratings).

For multi-site businesses, the start of the appeal period is triggered by the date of notification of the rating to the outlet.

**Q6. Is there scope for informal discussion about ratings?**

A6. Yes. It may be possible for the 'inspecting officer' to informally resolve any disputes about a food hygiene rating by explaining how it was derived. Although this is not a pre-requisite, FBOs should be encouraged to do this and every effort should be made to resolve the matter informally, before resorting to the appeal procedure.

These discussions do not form part of the formal appeal process and do not change the deadline within which an appeal must be lodged. This should be made clear to the FBO so that they are clear the appeal period does not commence only when informal discussions are completed and so that they may lodge an appeal, and may subsequently withdraw it, if they wish.

**Q7. Where the food hygiene rating is being appealed, should the rating in dispute be published at [food.gov.uk/ratings](http://food.gov.uk/ratings) and displayed at the establishment?**

A7. Until the outcome of the appeal is determined, [food.gov.uk/ratings](http://food.gov.uk/ratings) should show that, for the establishment in question, the assessment of hygiene standards is 'awaiting publication'.

At the time of notification of the rating that is now in dispute, the business should be requested to destroy any sticker (and certificate) they have for the previous rating. The FBO should be reminded that continuing to display these after the appeal period may constitute an offence under trading standards legislation. For example, an offence under the Consumer Protection from Unfair Trading Regulations 2008 (see Section 9, Q&A 4).

**Q8. Who should determine appeals?**

A8. Appeals should be considered by the Lead Officer for Food or a designated deputy. Local authorities are encouraged to consider establishing a reciprocal arrangement with another authority to consider each other's appeals by the respective Lead Officer for Food or a designated deputy.

**Q9. What role does the 'inspecting officer' play in determining the appeal?**

A9. None. No officer involved in the production of the rating or in the inspection on which the rating is based should consider the appeal.

**Q10. How is the appeal outcome determined?**

A10. The paperwork associated with the intervention and the food hygiene rating given should be considered.

In some circumstances, a further visit to the establishment may be required. This will depend on the nature of the dispute 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.

**Q11. How should the appeal decision be communicated to the FBO?**

A11. The decision of the deciding officer should be communicated in writing to the FBO as early as possible, or within 21 days from the date that the appeal was received. The number of 'days' includes weekends and bank holidays. Once the decision has been notified to the FBO, the food hygiene rating should be published at [food.gov.uk/ratings](http://food.gov.uk/ratings).

**Q12. Following an appeal, when will the food hygiene rating be published at food.gov.uk/ratings?**

A12. The food hygiene rating will be published when the appeal has been determined and the outcome of the appeal has been communicated to the FBO.

**Q13. Can an FBO appeal a 'new' food hygiene rating given following a re-inspection/re-visit that they have requested?**

A13. Yes. As with the initial assessment, an FBO may appeal if the 'new' food hygiene rating is disputed. Appeals must be made within 21 days of the notification of the rating. After that period has expired, the food hygiene rating should be published at [food.gov.uk/ratings](http://food.gov.uk/ratings) if no appeal was lodged.

**Q14. What happens if the FBO disagrees with the outcome of the appeal?**

A14. 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.

The [FSA's Independent Business Appeals Panel](#), which applies to businesses in England, is not a route for redress in cases of disputed food hygiene ratings.

**Q15. If an FBO challenges a decision via judicial review, what should be published at food.gov.uk/ratings?**

A15. Following determination of the appeal, the rating should be published at [food.gov.uk/ratings](http://food.gov.uk/ratings) and this should continue to be displayed until the judicial review is determined.



**Q16. Is the local authority's complaints procedure part of the appeal process?**

A16. No. Sufficient legal protection is given to FBOs if appeals against a disputed food hygiene rating are determined by the Lead Officer for Food or a designated deputy or the Lead Officer for Food or a designated deputy from another local authority. There is no legal requirement for the local authority complaints procedure to form part of the FHRs appeals procedure.

This does not 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.

# Section 7: 'Right to reply'

## General information

- 7.1 To ensure fairness to businesses, local authorities must have a procedure in place to allow FBOs a 'right to reply'. This should be published with the FBO's rating. The purpose is to provide FBOs with an opportunity to explain to potential customers any actions that have been taken to improve hygiene standards after a food hygiene rating has been given. It also allows the FBO to say if there were particular circumstances at the time of the inspection that might have affected the rating.
- 7.2 Guidance in Q&A format is provided below to assist local authorities in operating the 'right to reply' safeguard and in providing information to businesses about this.

## Question and answer guidance

### **Q1. Do FBOs have a 'right to reply' and what is the purpose of this?**

- A1. Yes, FBOs have a 'right to reply', and local authorities must publish this at [food.gov.uk/ratings](https://www.food.gov.uk/ratings) together with the business's rating.

The purpose is to enable the FBO to give an explanation of actions that have been taken to rectify non-compliances subsequent to the intervention at which the rating was given or mitigation for the circumstances at the time of the intervention, rather than to complain or criticise the FHRS or 'inspecting officer'. Given this, the 'right to reply' is intended to apply to those businesses that do not achieve the top rating.

### **Q2. How should the 'right to reply' be submitted?**

- A2. The 'right to reply' comments should be made in writing and submitted to the local authority electronically or by post.

A [standard template form](#) that FBOs may use to submit a 'right to reply' is available. A [version for co-branding](#) is available so that local authorities may download it, add their logo and relevant contact details, and provide it to FBOs via their own websites or in hardcopy form if requested to do so - a summary of all standard template forms is provided at Appendix 2.

### **Q3. Can the text of the 'right to reply' comments be amended?**

- A3. The text may be edited by the local authority before being published at [food.gov.uk/ratings](https://www.food.gov.uk/ratings) in order to remove any offensive, defamatory, clearly inaccurate or irrelevant remarks.

If the text is edited, the local authority should provide a copy of the revised text to the FBO and provide an opportunity to comment on this prior to its publication.

**Q4. Where are the 'right to reply' comments published?**

A4. The comments should be published at [food.gov.uk/ratings](https://www.food.gov.uk/ratings) together with the rating.  
The 'right to reply' will remain on the website until a new food hygiene rating is given.

**Q5. When should 'right to reply' comments be published?**

A5. Once received by the local authority, 'right to reply' submissions should be processed and published as soon as possible and without undue delay.

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

### Note on charging for re-inspections/re-visits

In March 2017, the FSA reviewed its guidance on charging a fee for requested re-inspections/re-visits to re-assess food hygiene ratings, in consideration of the general power under the Localism Act (2011).

The FSA considers that providing a re-inspection upon request by a food business operator, in circumstances where there is no statutory requirement to provide that re-inspection, falls within the general power that allows for the recovery of costs (see Q&A 15 for further information).

### General information

- 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. The intervention must be an inspection, partial inspection or audit of the establishment except in a limited number of circumstances (see Q&A 3, below).
- 8.3 The Guidance outlines the procedure for dealing specifically with requests from FBOs to be assessed for a new rating. It also aims to clarify the position on re-inspections/re-visits undertaken in the course of normal follow-up enforcement action and how these impact on the food hygiene rating of these establishments.
- 8.4 The Guidance highlights that where the response to a request from an FBO to be re-rated involves an inspection, partial inspection or audit, the intervention rating should be reviewed and revised if deemed appropriate 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 an establishment is given any food hygiene rating other than the top rating, following an appropriate planned intervention (an inspection, partial inspection or audit) by the local authority. An FBO must have first accepted the rating, taken action to rectify non-compliances identified and may then make a request to the authority to be re-assessed with a view to receiving a higher rating.

### **Q2. What is meant by 're-inspections/re-visits' in the context of FBO requests for a re-rating?**

A2. The terms relate to the type of intervention that can be carried out when assessing an establishment following a request for a re-rating.

A re-inspection in this context means an inspection, partial inspection or audit focusing on the contraventions noted at the last inspection to aid the FBO to improve their food hygiene rating. A re-visit means an intervention that is an official control other than an inspection, partial inspection or audit.

### **Q3. If an appropriate intervention is undertaken, can the intervention-rating also be changed?**

A3. Yes. In line with the Food Law Code of Practice, if an inspection, partial inspection or audit has been undertaken, the intervention-rating should be reviewed and revised if deemed appropriate by the local authority officer.

If an official control intervention other than an inspection, partial inspection or audit is carried out the intervention rating cannot be changed. This is the only situation where a food hygiene rating can be changed without determining the intervention rating. When a re-rating has been given on this basis, there will be no change to the date of the next planned intervention.

The COVID-19 Local Authority recovery plan introduced a temporary flexibility to allow remote assessment to be used in place of an onsite visit in limited circumstances (see [the recovery plan Q&A](#)). However, as the recovery plan was withdrawn from 1<sup>st</sup> April 2023, this flexibility is no longer permitted. Analysis of the use by LAs of the temporary flexibility will inform policy development on remote assessment in the modernised food hygiene delivery model.

### **Q4. Is there a time limit within which a request for a re-inspection/re-visit/must be made?**

A4. 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 5).

**Q5. Where the case for a re-inspection/re-visit is substantiated, when should this take place?**

A5. The FBO can make the request at any time after the planned intervention. If a charge is not to be made for the re-inspection/re-visit, it should not take place until three months have elapsed (the 'standstill' period) since the intervention at which the original food hygiene rating was given. However, at the local authority's discretion, the requested re-inspection/re-visit can be undertaken during the 'standstill' period in cases where the priority actions identified and taken by the FBO concerned only the need for permanent structural improvements or repairs, or the upgrading of equipment.

The re-inspection/re-visit must take place within three months of the end of the 'standstill' period, or within three months of the request where this is made after the 'standstill' 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 10).

Where the local authority charges a fee for the re-inspection/re-visit, the 'standstill' period is not applicable. The re-inspection/re-visit should be carried out within three months of receipt of the request or, where payment is required in advance, upon receipt of payment (whichever is later).

**Q6. What happens if the re-inspection/re-visit is not carried out within the three-month window?**

A6. 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.

**Q7. How many requested re-inspections/re-visits can an FBO have?**

A7. Where no fee is charged for the requested re-inspection/re-visit, 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.

Where a fee is charged for the requested re-inspection/re-visit, no limit applies on the number of requests the FBO can make.

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

**Q8. Can the food hygiene rating be changed if the local authority re-visits the establishment without a request from the FBO?**

A8. For poorer performing establishments, re-visits will often 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. If the authority is charging a fee for requested re-inspections/re-visits it should consider whether it would be more appropriate and consistent for the business to be re-rated at a separate requested re-inspection/re-visit.

Although the standstill period (part of the requested re-inspection/re-visit safeguard where no fee is charged), 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. 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.

This guidance should be considered where enforcement re-visits occur within the standstill period.

Where an authority that is charging a fee for requested re-inspections/re-visits receives a request shortly after a planned intervention and the improvements that have been made are issues concerned with confidence in management/control procedures, it would be reasonable for the inspection for re-rating to take place towards the end of the three month period, in order to establish that the improvements are fully implemented and sustained.

**Q9. What form should the request for a re-inspection/re-visit take?**

A9. The request should be made in writing (including by email) and should outline the case for a re-inspection/re-visit. 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 achieve legal compliance (see Section 5, Q&A 3).

A standard template form that FBOs may use to [request a re-rating](#) is available. A [version for co-branding](#) is available so that local authorities may download it, add their logo and relevant contact details, and provide it to FBOs via their own websites or in hardcopy form if requested to do so.

**Q10. Does the local authority have to accept all requests for re-inspections/re-visits?**

A10. 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-inspection/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.

**Q11. 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?**

A11. A re-inspection/re-visit must be made. A new food hygiene rating should not be given on the basis of documentary evidence only.

**Q12. Where a re-inspection/re-visit is to be undertaken, should this be unannounced?**

A12. Yes. Such a visit should be unannounced unless it is necessary to ensure that certain staff are present, or unless an unannounced visit would compromise food safety.

**Q13. Are powers of entry/authorisation required for requested re-inspections/re-visits?**

A13. 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 Safety and Hygiene (England) Regulations 2013 and as such retains powers of entry and has the powers to take enforcement action where appropriate.

**Q14. 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?**

A14. 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 overall. This means that the food hygiene rating could go up, down or remain the same if deemed appropriate by the local authority officer.

**Q15. Can a fee be charged?**

A15. Yes. Legal advice received by the FSA indicates that powers available to local authorities in England under the Localism Act 2011 allows for the recovery of costs of re-inspections/re-visits made at the request of the FBO to re-assess the food hygiene rating. It is for each authority to decide to use these powers and set the charge in line with their costs.



# Section 9: Use of Food Hygiene Rating Scheme branding

## General information

- 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 stickers - one for each rating from 0 to 5 and one for establishments 'awaiting inspection'.

Examples are shown at Appendix 3.

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 of where to order stickers are available on the [Smarter Communications platform](#).

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

A2. Yes. All establishments rated as part of the FHRs must be provided with a sticker and should be encouraged to display this in the window or on the door. Where no window, door or other transparent surface is available a business may be provided with a 'sticky-on-the-back' version that can be mounted on another suitable surface where consumers can see it. These should not be provided as an alternative if a window sticker can be displayed. The information written on the reverse of the regular sticker should be included on the peel off part of these stickers to be retained by the business.

Generally only one sticker should be provided per establishment but for those with multiple entrances, additional stickers may be provided if the local authority considers it appropriate or if requested by the FBO.

**Q3. If a business requests a certificate, can this be provided?**

A3. No. Policy on the FHRS display materials provided to businesses was revised in 2014 such that certificates are no longer part of the scheme. Certificates that were issued before 16 July 2014 remain valid until a new rating is given. The change in policy has been made to provide better clarity for businesses about what to display and to make recognition of the FHRS easier for consumers.

It also brings the scheme operating in England in line with the statutory Schemes in Wales in Northern Ireland.

If businesses wish to use FHRS branding to promote their rating in other ways, they may be directed to the [online business toolkit](#).

**Q4. When should the stickers be given to the FBO?**

A4. FBOs must be notified of their rating in writing at the time of the intervention or within 14 days - this includes weekends and bank holidays - from the date of the intervention.

Where the rating is notified at the time of the intervention, a new sticker for the new rating should be provided at the same time.

The sticker for the previous rating or the 'awaiting inspection' sticker can be removed if a rating of 5 is given.

If a rating below '5' is given, any sticker on display should not be removed as the appeal period still applies.

The FBO should be reminded that to continue to display this after the appeal period may constitute an offence under trading standards legislation. For example, an offence under the Consumer Protection from Unfair Trading Regulations 2008, and that they should be destroyed.

Where the rating is notified at a later date (this must be within 14 days of the date of intervention – see Section 5), the new sticker should be provided with the notification of the rating. The FBO should be asked to destroy any sticker they have for the previous rating. They should be reminded that continuing to display these after the appeal period 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 sticker should be issued in the new name (but a new rating should not be given).

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

**Q5. When should 'awaiting inspection' stickers be issued?**

A5. In the following circumstances the FBO should be issued an 'awaiting inspection' sticker so that this can be displayed until a rating can be given:

- When a 'new' establishment is registered

- When there is a change of FBO such that the establishment should be registered and treated as 'new'
- When 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.

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

Establishments that are 'awaiting inspection' should be shown on [www.food.gov.uk/ratings](http://www.food.gov.uk/ratings)

To do this, either

- (i) Upload records with a status of 'included' or 'included and private' but no scores for hygiene, structure and confidence in management. This will show the record as 'awaiting inspection'. NB: the system will only accept either the three scores or three blank fields e.g. the upload will fail if one or two scores are provided accompanied by one or two blank fields; or
- (ii) Upload records with a status of 'awaiting inspection' or 'awaiting inspection and private'.

Further details on how to upload premises 'awaiting inspection' can be found in Section 4.3 of the [Food Hygiene Rating Scheme – Guidance on the IT system](#).

#### **Q6. How are the stickers authenticated?**

A6. 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
- 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 two stickers are being used).

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

#### **Q7. What action should be taken if a sticker (or certificate) has been defaced, tampered with or altered in any way?**

A7. Local authorities should only use stickers from the suppliers listed in the guidance for [ordering stickers](#) and should not attempt to reproduce or amend these in any way other than adding the details highlighted at Q&A 6 above.

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

**Q8. What action should be taken if a sticker (or certificate) is being used to mislead the public or misrepresent the food business in any way including by defacing and tampering?**

A8. 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, such as the local authority trading standards services.

**Q9. What action will be required as regards branded materials where a local authority ceases to participate in the FHRS?**

A9. The local authority should:

- remove any FHRS branding from its website
- suspend distribution of any marketing and advertising material that incorporates the branding
- remove stickers (and any remaining 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 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.

**Q10. Can local authorities use any of the branding for marketing and advertising purposes?**

A10. Local authorities are encouraged to promote the FHRS to both food businesses and consumers in their areas. FBOs can use the FHRS branding for marketing and advertising purposes. FSA Communications Toolkits have been issued to coincide with campaigns and seasonal events and will continue to do so where appropriate. These provide advice and guidance on promoting the FHRS at the local level.

**Q11. Can FBOs use any of the branding for marketing or advertising purposes?**

A11. Yes. One of the key objectives of FHRS is to drive up business compliance, so businesses are encouraged to take pride in receiving a good rating and see it as deserved recognition of their compliance.

However, 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, together with guidance on the principles for its use, is available to FBOs on the FSA website. The principles for use highlight to FBOs 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

## General information

- 10.1 The credibility and integrity of the FHRS depends 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](https://www.food.gov.uk/ratings) is key to this. Effective management of the 'right to reply' facility is also important.
- 10.2 Guidance on these issues is set out in Q&A format below.
- 10.3 Separate [User Documentation](#) covering technical issues and practical aspects of using the IT platform is available.

## 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;
- 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](https://www.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 Management Information System (MIS) to an Excel, CSV or XML file.

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.

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

A3. The 'Data Standard' is set out at Table 5 and lists the data that must be provided for establishments that are currently trading.

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.

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](http://food.gov.uk/ratings) – see Q&A 4 – but it can be included when running management reports.

**Table 5 - FHRS 'Data Standard'**

Note – where data is mandatory, this is indicated.

| Data field name   | Required format   | Comment  |
|---|---|--|
| Local authority ID<br>(Optional)                          | Alpha-numeric:<br>usually three or<br>four characters<br>long | 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<br>(Optional)                        | Text: 255-character<br>limit                                  | The name of the local authority.<br>Supply of this data is not mandatory as the log in details will indicate the local authority to which the upload relates   |
| Establishment ID<br><b>(This data is<br/>mandatory)</b>   | Alpha-numeric: 255<br>characters limit                        | This is the premises ID/unique premises reference number.<br>This is not published at <a href="http://food.gov.uk/ratings">food.gov.uk/ratings</a> but is included in the open data and API.<br>It 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<br><b>(This data is<br/>mandatory)</b> | Alpha-numeric: 255<br>characters limit                        | The name of the business   |
| Operator/Proprietor<br>(Optional)                         | Text: 255<br>characters limit                                 | The name of the food business operator - this will not be published at <a href="http://food.gov.uk/ratings">food.gov.uk/ratings</a> .<br>Supply of this data is not mandatory.   |

| Data field name   | Required format                     | Comment  |
|---|-------------------------------------|--|
| Establishment telephone number (Optional)                       | Numeric: 25 characters limit        | This will not be published at <a href="http://food.gov.uk/ratings">food.gov.uk/ratings</a> .<br>Supply of this data is not mandatory.  |
| Establishment address line 1<br><b>(This data is mandatory)</b> | Alpha-numeric: 255 characters 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<br><b>(This data is mandatory)</b> | Alpha-numeric: 255 characters 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 3<br><b>(This data is mandatory)</b> | Alpha-numeric: 255 characters 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 4<br><b>(This data is mandatory)</b> | Alpha-numeric: 255 characters 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 post code<br><b>(This data is mandatory)</b>      | Alpha-numeric: 10 characters limit  | This should be supplied unless the establishment does not have a post code   |
| Business type (category)<br><b>(This data is mandatory)</b>     | Text: 200 characters 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<br><b>(This data is mandatory)</b>  | UK date formats:<br>dd/mm/yyyy<br>dd/m/yy<br>d.m.yy<br>dd/mmm/yy<br>dd-mm-yyyy<br>dd mm yyyy<br>dd.mm.yyyy<br>yyyy/mm/dd | This is required for all establishments except for those yet to be inspected (unrated).   |
| Scope<br><b>(This data is mandatory)</b>  | Alpha-numeric:<br>255 characters limit   | Identifier to indicate if the status of the establishment - for example, 'excluded', 'included', 'exempt', or 'sensitive'.<br><br>This will determine what, if any, information is published – see Q&A 4.   |
| Intervention rating score for level of compliance – food hygiene and safety procedures<br><b>(This data is mandatory)</b> | Prescribed values:<br>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.<br><br>Where values are included, the food hygiene rating will be calculated from these.<br><br>The absence of all three values will indicate that the establishment has not yet been rated under the FHRS. In such cases, 'awaiting inspection' will be displayed at <a href="http://food.gov.uk/ratings">food.gov.uk/ratings</a> instead of a food hygiene rating. |
| Intervention rating score for level of compliance – structure of the establishment<br><b>(This data is mandatory)</b>     | Prescribed values:<br>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.<br><br>Where values are included, the food hygiene rating will be calculated from these.<br><br>The absence of all three values will indicate that the establishment has not yet been rated under the FHRS. In such cases, 'awaiting inspection' will be displayed at <a href="http://food.gov.uk/ratings">food.gov.uk/ratings</a> instead of a food hygiene rating. |



| Data field name  | Required format  | Comment   |
|--|--|---|
| Intervention rating score for confidence in management/control procedures<br><b>(This data is mandatory)</b> | Prescribed values: 0, 5, 10, 20 or 30  | A valid record must contain values in each of the three fields or none in any of them.<br>Where values are included, the food hygiene rating will be calculated from these.<br>The absence of all three values will indicate that the establishment has not yet been rated under the FHRS. In such cases, 'awaiting inspection' will be displayed at <a href="http://food.gov.uk/ratings">food.gov.uk/ratings</a> instead of a food hygiene rating. |
| Intervention rating overall score (Optional)   | Numeric: three characters limit  | This is the overall intervention-rating score for the establishment.<br>Supply of this data is not mandatory. This will not be published at <a href="http://food.gov.uk/ratings">food.gov.uk/ratings</a> .  |
| Revised food hygiene rating<br><b>(This data is mandatory)</b>   | 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-visit's mechanism. A value will be provided only in cases where the intervention rating was not also re- assessed.  |
| Revised food hygiene rating date<br><b>(This data is mandatory)</b>  | UK date formats:<br>dd/mm/yyyy<br>dd/m/yy<br>d.m.yy<br>dd/mmm/yy<br>dd-mm-yyyy<br>dd mm yyyy<br>dd.mm.yyyy<br>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](http://food.gov.uk/ratings)?**

A4. This depends on the status of the establishment and is summarised in the Table 6.

**Table 6 - Information that will appear at food.gov.uk/ratings**

Note - See Section 2 on scope for further advice on types of business.

| Type of business   | Status             | What will be published? |
|--|--------------------|-------------------------|
| <p>Does not supply food direct to consumers.</p> <ul style="list-style-type: none"> <li>➤ Examples include manufacturers, packers, transporters, importers &amp; exporters, distributors.</li> </ul>   | <p>'Excluded'</p>  | <p>Nothing</p>          |
| <p>Child-minders and other establishments where caring services are being provided in the home environment <b>and</b> that still have a valid rating i.e., one received prior to July 2014 (see <a href="#">Section 2</a>, Q&amp;A 21).</p>  | <p>'Sensitive'</p> | <p>Nothing</p>          |
| <p>The provision of caring services in the home environment where the establishment <b>does not</b> have a valid rating prior to July 2014 (see <a href="#">Section 2</a>, Q&amp;A 21).</p> <ul style="list-style-type: none"> <li>➤ A common example is a childminder business (these establishments can no longer opt in to FHRS)</li> </ul> | <p>'Excluded'</p>  | <p>Nothing</p>          |

| Type of business   | Status   | What will be published?   |
|--|--|---|
| <p>Supplies food direct to consumers, is given a rating and there are no sensitivities in relation to publishing full address information.</p> <p>➤ Examples include, supermarkets, restaurants, cafes, pubs (including wet pubs), hospitals, schools etc.</p> | <p>'Included'</p>  | <ul style="list-style-type: none"> <li>• Business name and <b>full</b> address</li> <li>• LAEMS business category</li> <li>• Date of inspection OR date of revised food hygiene rating</li> <li>• Food hygiene rating OR revised food hygiene rating OR 'awaiting inspection' OR 'awaiting publication' (in place of a rating when a business has lodged an appeal and there was a rating previously published) OR 'recently inspected – new rating to be published soon' plus the previous rating (for cases where a rating from a recent inspection is within the notification or appeals period)</li> <li>• Breakdown of rating into component scores</li> </ul>   |
| <p>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.</p> <p>➤ Examples include home caterers and mobile traders.</p> | <p>'Included and private'</p> <p>Note – Local authorities can manually indicate via the portal those establishments to have the address suppressed</p> | <ul style="list-style-type: none"> <li>• Business name and <b>partial</b> address – local authority name and first part of postcode only</li> <li>• LAEMS business category</li> <li>• Date of inspection OR date of revised food hygiene rating</li> <li>• Food hygiene rating OR revised food hygiene rating OR 'awaiting inspection' OR 'awaiting publication' (in place of a rating when a business has lodged an appeal and there was a rating previously published) OR 'recently inspected – new rating to be published soon' plus the previous rating (for cases where a rating from a recent inspection is within the notification or appeals period)</li> <li>• Breakdown of rating into component scores</li> </ul> |

| Type of business  | Status             | What will be published?  |
|---|--------------------|--|
| <p>Supplies food direct to consumers but is not rated on the basis that it is 'low-risk' <b>and</b> consumers would not generally recognise it as being a food business, and there are no sensitivities in relation to publishing full address information.</p> <p>➤ Examples include, visitor centres selling biscuits, newsagents and chemist shops selling only pre-packed confectionery and/or health foods that do not require refrigeration.</p>              | <p>'Exempt'</p>    | <ul style="list-style-type: none"> <li>• Business name and <b>full</b> address</li> <li>• LAEMS business category</li> <li>• 'Exempt' in place of a food hygiene rating</li> </ul> |
| <p>Supplies food direct to consumers and is given a rating but the local authority makes a professional judgement that there are sensitivities about publishing any address information at all due to security or safeguarding issues.</p> <p>➤ Examples include (but are not necessarily limited to) hostels (e.g., bail hostels or refuges); certain establishments providing residential care; military or Crown establishments (see Section 2, Q&amp;A 23).</p> | <p>'Sensitive'</p> | <p>Nothing</p>   |

| Type of business  | Status  | What will be published?   |
|---|---|---|
| Supplies food direct to consumers but is not rated on the basis that it is 'low risk', <b>and</b> consumers would not generally recognise it as being a food business, <b>and</b> there are sensitivities in relation to publishing full address information. | 'Exempt and private'<br>Note – Local authorities can manually indicate via the portal those establishments to have the address suppressed | <ul style="list-style-type: none"> <li>• Business name and <b>partial</b> address – local authority name and first part of postcode only</li> <li>• LAEMS business category</li> <li>• 'Exempt' in place of a food hygiene rating</li> </ul>              |
| Businesses that have yet to receive an inspection, partial inspection, or audit and to be given a rating  | 'Awaiting inspection'   | <ul style="list-style-type: none"> <li>• Business name and <u>full</u> address</li> <li>• LAEMS business category</li> <li>• 'Awaiting inspection' in place of a food hygiene rating</li> </ul>   |
| Businesses that have yet to receive an inspection, partial inspection, or audit and to be given a rating, and there are sensitivities in relation to publishing full address information.   | 'Awaiting inspection and private'   | <ul style="list-style-type: none"> <li>• Business name and <u>partial</u> address – local authority name and first part of postcode only</li> <li>• LAEMS business category</li> <li>• 'Awaiting inspection' in place of a food hygiene rating</li> </ul> |

**Q5. How is the breakdown of the rating into component scores presented and where will it be published?**

A5. The breakdown is presented in a narrative form – descriptors. These are based on consumer research which was undertaken to inform the requirement to provide this information for businesses in Wales as part of the statutory scheme operating there.

The descriptors are shown at Appendix 4.

These will be published on each individual business page. In cases where a rating was changed following a requested re-visit but the intervention rating was not changed, no information will be published.

**Q6. How frequently must local authorities upload data?**

A6. As a minimum, local authorities should upload data once every 28 days (it must be less than the notification, plus the appeal period – see Q&A 9). Uploads should be at least every 14 days (and more frequently if possible) to reduce delays in publishing new ratings.

There is no maximum upload frequency.

**Q7. What data validation is required?**

A7. The IT platform will carry out a number of validation routines to check that the necessary data have been supplied for each establishment.

These 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
- intervention rating 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 Intervention rating scores rather than all three.

#### **Q8. How do local authorities correct errors?**

A8. A report identifying errors will be produced by the IT platform when the local authority uploads the data file. Local authorities should review the errors and make the necessary changes within their local MIS (Management Information System) 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 MIS.

After successfully uploading a data file, the data is available for review prior to publication at [food.gov.uk/ratings](http://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.

#### **Q9. When will a new food hygiene rating be published at food.gov.uk/ratings?**

A9. 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 all other cases, the new rating cannot be published until the FBO has had 21 days from the date of notification of the rating in which to appeal (this includes weekends and bank holidays).

The system's 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.

During the appeal period the previous rating or 'awaiting inspection', whichever is appropriate, will be displayed. For those businesses that have a previous rating, once a local authority has uploaded to the system, [food.gov.uk/ratings](https://www.food.gov.uk/ratings) will additionally show that a business has been 'recently inspected – new rating to be published soon'.

If an appeal is lodged, the new rating must not be published until the outcome is determined. In such cases [food.gov.uk/ratings](https://www.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.

After the appeal period has expired, the rating will be automatically published at [food.gov.uk/ratings](https://www.food.gov.uk/ratings) if no appeal has been lodged.

**Q10. What information must be displayed on the local authority's own page at [food.gov.uk/ratings](https://www.food.gov.uk/ratings)?**

A10. Each authority must upload key contact details and their logo/banner to this and add a link to the local authority's own website. Any updates should be made as appropriate.

**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](https://www.food.gov.uk/ratings) with the rating. Businesses will be able to download a standard form from [food.gov.uk/ratings](https://www.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 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](https://www.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.

# Section 11: Establishing and operating a Consistency Framework

## General information

- 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. This applies to FBOs within a single local authority area and across different local authority areas. It ensures 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. In particular how the intervention-rating scheme set out in 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 The Framework should also specify **training requirements** and participation in **consistency exercises**, including any FSA-organised **national 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
- training requirements and participation in consistency exercises, including national exercises organised by the FSA.

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

A2. It covers the following areas:

- Formal partnership agreements (Section 1)
- Scope (Section 2)
- Scoring using the food hygiene intervention rating scheme set out in the Food Law Code of Practice (Section 3)
- Mapping of intervention rating scores to the food hygiene rating (Section 4)
- Notification of food hygiene ratings (Section 5)
- Appeals (Section 6)
- 'Right to reply' (Section 7)
- Requests for re-inspections/re-visits for re-rating purposes (Section 8)
- Use of Food Hygiene Rating Scheme branding (Section 9)
- Use of the Food Hygiene Rating Scheme IT platform (Section 10)
- 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. The FSA works 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, the Food Law Code of Practice, 'the Standard' in the Framework Agreement on Local Authority Food Law Enforcement and 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 set out in the Food Law Code of Practice (England)
- maintenance of intervention records and correspondence
- service monitoring and related record-keeping
- 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
- [Framework Agreement on Local Authority Food Law Enforcement](#)
- [Making every inspection count - internal monitoring advice for local authority food and feed enforcement team managers \(FSA summary document\)](#)
- Local authority existing policies and procedures.

**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. FSA audits of local authority food law enforcement activities are carried out against planned annual programmes which may include the FHRS or elements of the scheme. Audit reports are published on food.gov.uk and will include issues identified and examples of good practice, shared to improve consistency in the implementation of the official controls by local authorities.

The FSA will also use data from food.gov.uk/ratings, 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. Local authorities may 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.

**Q11. What will happen if local authorities that have a partnership agreement with the FSA fail to operate this to the standards set by the FSA?**

A11. Details about what will happen if local authorities fail to follow in full the FHRs Brand Standard are given in Section 1.

**Q12. What consistency training is required and when?**

A12. Consistency training should be ongoing and 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 by the FSA (based on the interpretation of the food hygiene intervention-rating scheme in 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 the intervention rating scheme is applied consistently and in accordance with the FSA's guidance.

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 on an ongoing basis.

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

The FSA organises [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.

**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 developed a [standard template](#) – see Appendix 2 - and local authorities are strongly encouraged to use this. It should be noted that the template includes all the information specified in the Food Law Code of Practice (England) to be included in an intervention report.

Where this template is not used, local authorities must ensure that the information specified in the Food Law Code of Practice (England) 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 FBO (and for multi-site businesses, local authorities must ensure that the food hygiene rating is communicated to the head office) in relation to the three elements of the intervention-rating scheme in the Food Law Code of Practice so that the findings are clearly linked to the numerical score given for:

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

Actions that are required to ensure compliance with legal requirements must be clearly differentiated from those that are recommendations of good practice (in accordance with the Food Law Code of Practice).

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

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 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.

**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 the Food Law Code of Practice which highlights that a food business that fails 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 descriptions of what intervention rating scores might look like in practice at Section 3, outline 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 must have regard to the statutory Primary Authority Scheme, Primary Authority guidance issued by the Department for Business and Trade 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 must follow the requirements of any Primary Authority Inspection Plan, liaise with the Primary Authority where appropriate and provide feedback through the mechanism established by the Department for Business and Trade.

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 business safeguard procedures for appeals and requests for re-inspections/re-visits for re-rating, complaints, etc on an ongoing basis and this data will help to identify inconsistencies in operation.

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](https://www.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](https://www.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.

Consumers can feedback comments on the FHRs through the FSA Helpline.

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

A22. The FSA has established a Local Authority User Group for England as a Forum for discussing practical implementation issues and for providing the FSA with ongoing feedback on the FHRs.

Local authorities should also continue to use existing mechanisms, including food liaison groups to discuss issues of interpretation and consistency.

Clarification on policy issues may be raised through the Local Authority User Group or directly with the FSA's Food Hygiene Ratings Team.

# Appendix 1: Sample partnership agreement between the Food Standards Agency and Local Authority



[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 this letter and returning it to the email address below by the deadline stated in the covering email.

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

|  |  |
|--|--|
| <b>Signed:</b><br>(On behalf of the Local Authority) | <b>Signed:</b><br>(On behalf of the Food Standards Agency) |
| <b>Name (Print):</b>                                 | <b>Name (Print):</b>                                       |
| <b>Position:</b>                                     | <b>Position:</b>   |
| <b>Date:</b>   | <b>Date:</b>   |

Foss House, Kings Pool, Peasholme Green, York, YO1 7PR  
Email: [HygieneRatings@food.gov.uk](mailto:HygieneRatings@food.gov.uk)



## **Food Hygiene Rating Scheme (FHRS) – Outline of responsibilities**

### **1. [Name of local authority] undertakes to:**

- Follow in full the Food Standards Agency's (FSA's) guidance on the FHRS - the Brand Standard
- 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.

### **2. The Food Standards Agency undertakes to:**

- Keep the guidance for local authorities on the implementation and operation of the FHRS under review 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
- Conduct a formal evaluation of the FHRS after it is rolled out and within an appropriate timeframe.

### **3. 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.

### **4. Data protection**

The parties confirm that they will observe their respective obligations in respect of the UK General Data Protection Regulations and the Data Protection Act 2018. Any data and information introduced by a party to support the work of the FHRS shall belong to that party.

### **5. 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.

## 6. 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.

### *a) Prior notice*

Where the local authority is considering terminating the agreement, it should give at least 14 days (includes weekends and bank holidays) 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.

### *b) 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.

### *c) 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](https://www.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
- 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
- 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
- confirm to the FSA that these actions have been taken.

#### *d) 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 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.

#### *e) Advisory Disputes Panel*

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

The Panel will elect its own chair.

## Appendix 2: Standard template forms

A number of FHRS template forms are available.

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

These are for use by FBOs. They can access copies from the [FHRS business pages](#).

Templates are also available on the local authority [FHRS resources page](#) on the Smarter Communications platform 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 and includes all the information specified at Annex 4 of the 'In completing this form', it is important that actions that are required to ensure compliance with legal requirements are clearly differentiated from those that are recommendations of good practice (see section 6.3.14 of the Food Law Code of Practice).

As with the other forms, a template is available on the local authority FHRS resources page on Smarter Communications ([standard template form](#)) 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. For multi-site businesses, local authorities must ensure that the food hygiene rating is communicated to the head office. 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](http://food.gov.uk/ratings), and when the sticker will be provided (Section 6 on the appeals procedure provides further information).

# Appendix 3: Logos and stickers

Details of where to order stickers are available on the [Smarter Communications platform](#).

## Logos



## Stickers

Examples for the rating of '3' and 'awaiting inspection' are used. There are two options for stickers:

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



## Appendix 4: Descriptors for ratings breakdown at [food.gov.uk/ratings](http://food.gov.uk/ratings)

Information on the intervention rating component scores used to determine food hygiene ratings are published at [food.gov.uk/ratings](http://food.gov.uk/ratings).

### Compliance with food hygiene and safety procedures:

Hygienic food handling – hygienic handling of food including preparation, cooking, re-heating, cooling and storage.

| Intervention rating score | Descriptor used on website   |
|---------------------------|------------------------------|
| 0                         | Very good                    |
| 5                         | Good                         |
| 10                        | Generally satisfactory       |
| 15                        | Improvement necessary        |
| 20                        | Major improvement necessary  |
| 25                        | Urgent improvement necessary |

### Compliance with structural requirements:

Cleanliness and condition of facilities and buildings – cleanliness and condition of facilities and building (including having appropriate layout, ventilation, hand washing facilities and pest control to enable good food hygiene).

| Intervention rating score | Descriptor used on website   |
|---------------------------|------------------------------|
| 0                         | Very good                    |
| 5                         | Good                         |
| 10                        | Generally satisfactory       |
| 15                        | Improvement necessary        |
| 20                        | Major improvement necessary  |
| 25                        | Urgent improvement necessary |

### Confidence in management/control procedures:

Management of food safety – system or checks in place to ensure that food sold or served is safe to eat, evidence that staff know about food safety, and the food safety officer has confidence that the standards will be maintained in the future.

| Intervention rating score | Descriptor used on website   |
|---------------------------|------------------------------|
| 0                         | Very good                    |
| 5                         | Good                         |
| 10                        | Generally satisfactory       |
| 20                        | Major improvement necessary  |
| 30                        | Urgent improvement necessary |

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