



Llywodraeth Cymru
Welsh Government



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FOOD HYGIENE IS GETTING EASIER TO SPOT IN WALES



THE FOOD HYGIENE RATING SCHEME

The Food Hygiene Rating (Wales) Act 2013 and associated regulations came into force in November 2013. The Act establishes a mandatory food hygiene rating scheme for Wales that replaces the scheme that was previously operated by local authorities and the Food Standards Agency. This scheme is designed to help consumers choose where to eat out or shop for food by providing information about the hygiene standards in restaurants, pubs, cafés, takeaways, hotels etc, as well as supermarkets and other food shops. When a new food business opens it is likely it will fall under the scope of the scheme.

Trade-to-trade food businesses (such as food manufacturers and wholesale providers) are included within the scope of the Food Hygiene Rating (Wales) Act 2013. Businesses that supply food to other businesses, and which are inspected by their local authority, are also given a food hygiene rating.

From November 2016 takeaways in Wales have been required to include a bilingual statement on leaflets or flyers such as takeaway menus telling consumers where they may find details of the food hygiene rating on the website of the Food Standards Agency – food.gov.uk/ratings



RATINGS

The hygiene standards found at the time of inspection are rated on a scale. At the bottom of the scale is '0' – this means urgent improvement is necessary. At the top of the scale is '5' – this means the hygiene standards are very good. The rating you are given shows how well you and your business are complying with food hygiene law.

To get the top rating of '5', businesses must demonstrate a high standard of compliance in three elements of the inspection (see below).

INSPECTIONS

When carrying out a food hygiene inspection, an officer will consider the following elements, which will then determine the business' food hygiene rating:

- **hygiene** – how the food is prepared, cooked, re-heated, cooled and stored
- the **condition of the structure** of the buildings – including the cleanliness, layout, lighting, ventilation and other facilities
- **how food safety within the business is managed** and how the business records what it does to make sure food is safe

When a new business registers with the local authority, they will be subject to a food hygiene inspection.

Following inspections, food safety officers are required to inform you of your rating and, if you didn't get the top rating, improvements needed to achieve that. You will receive this in an inspection report letter, along with your food hygiene rating sticker.

Following notification of your food hygiene rating, and once the period allowed for appeal has ended (21 days after you receive the notification), your rating will be published on the Food Standards Agency website at: [food.gov.uk/ratings](https://www.food.gov.uk/ratings)

Since November 2014 additional information on the 'ratings breakdown' for each business has also been published on the ratings website and a statement is included explaining that members of the public can request a copy of the inspection report for a business from the local authority.

DISPLAY

Following notification of your rating, you will be required to display the sticker provided by your local authority. You will need to do this 21 days from the date you receive notification (this is how long you have to make an appeal).

The Act requires that you must display your sticker at or near each entrance to your premises that is available for use by customers. Stickers must be in a conspicuous place where they are capable of being easily read by customers before they enter the establishment when it is open for business.

Where there are multiple food businesses within the same building, you must make it clear which sticker relates to your business, and it must be displayed on the entrance to your particular food business where customers can see it.

Businesses that supply food to other businesses will also need to display their sticker.

TELLING THE CUSTOMER

Under the Act you and your relevant employees must also tell customers, if asked, the rating the business has received. This applies in a face to face situation as well as over the phone.

REMOVAL OF STICKER

You must remove your food hygiene rating sticker from display, and destroy it, once it is no longer valid. The sticker will no longer be valid 21 days following notification of a new rating or when there has been a change in ownership of the business.

APPEAL

You can appeal against a rating if you believe it does not accurately reflect the hygiene conditions at the time of the officer's inspection, or that the rating criteria were not correctly applied. This appeal must be made, in writing, on the standard appeal form¹ to the local authority within 21 days from the date that you receive the notification of rating.

Details of where to find the form and where to send it once completed can be found in the inspection report letter.

The appeal will be considered by an officer from the authority, who was not involved in the original assessment of the food hygiene rating being appealed. The local authority must decide the appeal and notify you of the outcome within 21 days of receiving the appeal.

If you do make an appeal you will need to display the relevant sticker once you have received the appeal decision.

RIGHT TO REPLY

Businesses have a “right to reply”. The right to reply allows the food business operator to explain the actions that have been taken following the inspection at which the rating was given or to give information on circumstances at the time of the inspection. These comments must be made in writing to the local authority. A standard form² is available but you may submit your comments in any written format clearly marked as “right to reply” comments. This can be done at any time while the rating is valid, whether an appeal has been made or not. Information about who to send your “right to reply” to can be found in the inspection letter and online³. The right to reply may be published by the FSA alongside the rating to which the comments relate.

1 <https://www.food.gov.uk/sites/default/files/media/document/fhrs-appeal-form-wales-en.doc>

2 <https://www.food.gov.uk/sites/default/files/media/document/fhrs-right-to-reply-form-wales-en.doc>

3 <https://www.food.gov.uk/contact/businesses/services/make-an-appeal/appeal-your-food-hygiene-rating>

RE-RATING

You can ask the local authority for a visit to be carried out before the date of the next food hygiene inspection so improvements can be checked and a new rating given if appropriate.

Your request must be made in writing, on the standard revisit request form⁴ and you must provide information on the improvements that have been made. You must continue to display your current rating sticker as required, at the time when making the request for a re-rating, until you have been notified of the outcome of the re-rating visit.

The re-rating revisit will take place within three months of the request being made, and you will not be informed in advance of the specific date and time of the visit. Although it is anticipated that most re-rating revisits will lead to an improved rating it is possible for a lower rating to be given if standards have fallen.

There will be a charge for the re-rating visit, further details of the costs will be provided by the local authority prior to inspection.

TAKEAWAY BUSINESSES

Businesses that supply takeaway food directly to consumers are required to publish a bilingual statement on certain hard copy publicity materials. If a takeaway leaflet, flyer or menu shows food for sale, the price and way of ordering the food, it must include a bilingual statement displayed in a conspicuous place on the materials.

FAILURE TO DISPLAY YOUR RATING

It's an offence not to display a valid sticker.

The local authority can take action if you fail to display your sticker, display an incorrect sticker or mislead customers in relation to the food hygiene rating. This may be through the use of fixed penalty notices. A fixed penalty notice will offer the opportunity for a person to pay a penalty of £200 within a period of 28 days, from the day that the penalty notice is given, or a reduced penalty of £150 if payment is made within 14 days. The Food Hygiene Rating (Wales) Act also allows for prosecution where necessary through a Magistrates Court.

The new regulations for takeaway businesses introduced in November 2016, also create offences for failing to display the statement in its prescribed form on specified hard copy publicity materials; or displaying an invalid food hygiene rating or failing to display the rating graphic in its prescribed form.

WHAT YOU NEED TO DO:

- Consider any action you may want to take **to improve food hygiene** in your business
- **Display the sticker** after your next inspection
- You and your relevant staff **must advise customers** of the rating when asked
- If you operate a takeaway business, **plan what you will do to meet the regulations coming into force in November 2016** – as set out in this leaflet.

⁴ <https://www.food.gov.uk/contact/businesses/services/make-an-appeal/appeal-your-food-hygiene-rating>

FURTHER ASSISTANCE

For further advice on the Food Hygiene Rating (Wales) Act 2013 or any other queries relating to food law you should contact your local authority.



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