

SGÔR HYLENDID BWYD

FOOD HYGIENE RATING

**Food Hygiene Rating (Wales) Act 2013,
Food Hygiene Rating (Wales)
Regulations 2013
and
Food Hygiene Rating (Promotion of Food
Hygiene Rating) (Wales) Regulations 2016:
Guidance for food authorities**

September 2017

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Abbreviations

The following acronyms/abbreviations are used in this document.

the 2013 Regulations	The Food Hygiene Rating (Wales) Regulations 2013
the 2016 Regulations	The Food Hygiene Rating (Promotion of Food Hygiene Rating)(Wales) Regulations 2016
the Act	The Food Hygiene Rating (Wales) Act 2013
CIM	Confidence in management/control procedures
FA	Food authority. A “food authority” means the county council or county borough council of the area in Wales in which the establishment is located (or a port health authority in the circumstances prescribed by section 5(3) of the Food Safety Act 1990).
FHRS	Food Hygiene Rating Scheme - The scheme made under the Food Hygiene Rating (Wales) Act
FBO	Food Business Operator
FPN	Fixed Penalty Notice
FSA	Food Standards Agency
the voluntary scheme	The non-statutory Food Hygiene Rating Scheme introduced by the FSA on a voluntary basis in Wales, England and Northern Ireland in 2010
HACCP	Hazard Analysis Critical Control Points
IMS	Information management system
LA	Local Authority
LAEMS	Local Authority Enforcement Monitoring System
LBRO	Local Better Regulation Office
Operator	The person concerned with the management of the establishment
Regulations	The Food Hygiene Rating (Wales) Regulations 2013 and The Food Hygiene Rating (Promotion of Food Hygiene Rating) (Wales) Regulations 2016
WG	Welsh Government

Introduction

Status and purpose of the Guidance

This Guidance is issued under section 23 of the Food Hygiene Rating (Wales) Act which empowers the Welsh Ministers to issue guidance in relation to the exercise of food authority functions under this Act.

The purpose of this guidance is to support authorised officers in Wales in successfully implementing the Food Hygiene Rating (Wales) Act 2013 and associated Regulations.

A food authority (FA) must have regard to this guidance when exercising its functions under the Act.

This guidance has been developed by the Food Standards Agency and the Welsh Government in association with local authority representatives from the Wales Food Hygiene Rating Scheme Steering Group.

This guidance should be read in conjunction with the Food Hygiene Rating (Wales) Act 2013 and regulations made under the Act.

Background

The voluntary Food Hygiene Rating Scheme (“the FSA voluntary scheme”) was introduced in Wales, England and Northern Ireland by the Food Standards Agency (“FSA”) in partnership with local authorities (“LAs”) across Wales, England and Northern Ireland. There is a scheme with similar aims operating in Scotland - the Food Hygiene Information Scheme (FHIS). The voluntary scheme was launched in Wales in October 2010, and was developed to provide consumers with information to enable them to make an informed choice about where to eat or shop for food.

While the voluntary scheme has been replaced in Wales by a statutory scheme, the scheme in place in England remains non-statutory and voluntary.

In Northern Ireland, the Food Hygiene Rating (Northern Ireland) Act 2016 came into force in October 2016, creating a statutory scheme for Northern Ireland.

The statutory Food Hygiene Rating Scheme (FHRS)

In March 2013 the Food Hygiene Rating (Wales) Act 2013 (“the Act”) received Royal Assent. The Act introduces a new statutory food hygiene rating scheme (“the FHRS”).

In order to fully implement the Act, the Welsh Ministers have made the Food Hygiene Rating (Wales) Regulations 2013 (“the 2013 Regulations”). The Act and the 2013 Regulations came into force on 28 November 2013. Amongst other things, the Act and the 2013 Regulations make the implementation of the FHRs by food authorities (“FAs”), and the display of food hygiene ratings by businesses mandatory. The FSA website food.gov.uk/ratings provides a breakdown of the ratings. Consumers are also advised that they can request the food safety officer’s report on which the food hygiene rating is based from the local authority that carried out the inspection.

Until November 2014 the FHRs only applied to establishments supplying food directly to consumers, provided that they were not exempted by the 2013 Regulations. In November 2014 the scope of the FHRs was extended to include food establishments only involved in business to business trade, for example food manufacturers, or packers with no retail outlet.

The FHRs applies in Wales and is implemented and enforced by FAs in Wales.

The purpose of the FHRs is to enable consumers to make informed choices about the places that supply food and, through these choices, encourage businesses to improve their hygiene standards. It does this by providing consumers with information (in the form of a food hygiene rating) about hygiene standards found in food business establishments when they are inspected to check compliance with food hygiene legislation. The food hygiene rating given reflects the inspection findings and how well the business is complying with food law.

There are six different food hygiene ratings; these are ‘0’ to ‘5’. A rating of 5 is the highest rating and 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 and details of the rating breakdown are published online at food.gov.uk/ratings. Food business operators (“FBOs”) are required to display sticker(s) showing their rating at their establishment in a position where it can be easily read by customers.

The FHRs incorporates safeguards to ensure fairness to businesses. These include an appeal procedure, a ‘right to reply’, which provides that businesses’ comments on their ratings may be published alongside the rating at food.gov.uk/ratings, and a mechanism for requesting an inspection for re-rating purposes if improvements have been made and other conditions are met.

In November 2016 the Food Hygiene Rating (Promotion of Food Hygiene Rating) (Wales) Regulations 2016 (“the 2016 Regulations”) came into force requiring takeaway food businesses to publish a bilingual statement on certain hardcopy publicity materials directing customers to the food hygiene ratings website.

The 2016 Regulations provide that if takeaway premises have a leaflet or menu that shows food for sale, the price and a way of ordering the food without visiting the premises, it also needs to show a statement which will inform customers they can check the food hygiene rating of the business on the food hygiene ratings website:

www.food.gov.uk/ratings. The statement also reminds consumers they have a legal right to ask the food business for their food hygiene rating when they order.

The 2016 Regulations also allow for the voluntary display of valid food hygiene ratings on this type of publicity material. If displayed, the rating must be valid and in the specified format so it can be clearly seen.

Evaluation and Review

The Act places a duty on the FSA to review the implementation and operation of the FHS and to produce a report for the Welsh Ministers after the first year following its introduction, and then at three yearly intervals thereafter. Each report may include recommendations for change and must be laid before the National Assembly for Wales.

The FSA must also review the operation of the appeals process under the Act. The review must be carried out annually. Following each review the FSA must produce a report making any recommendations for change to the process, and must be laid before the National Assembly for Wales.

Review and revision of the Guidance

The FSA and the Welsh Government (“WG”) will keep this Guidance under review and will revise and update it as necessary.

Further information

For further advice or information please get in touch – contact details are provided below: -

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Section 1: Scope

1.1 Introduction

The FHRS extends to all food establishments registered with a FA in Wales in accordance with Regulation (EC) No 852/2004, or approved by a FA in Wales in accordance with Regulation EC 853/2004, in accordance with Regulation (EC) No 852/2004 other than those businesses that are exempt under regulation 5 of the 2013 Regulations.

The FHRS includes within its scope restaurants, cafes, takeaways, sandwich shops and other places where people eat food prepared outside of the home, as well as food retailers, and manufacturers, or packers with no retail outlet.

1.2 Exemptions

Regulation 5 of the 2013 Regulations details the categories of establishments that are exempt from rating. These include:

- an establishment where the sale of food is not the primary activity of the establishment; and the only food made available to consumers is food that is shelf stable at ambient temperature and wrapped or packaged before it is brought to the establishment and the wrapping or packaging remains sealed at all times before the food is supplied to consumers;

Examples of such establishments could include:

- visitor centres and similar establishments selling tins of biscuits or other wrapped goods amongst a range of other goods;
 - leisure centres with only food vending machines selling only drinks or low-risk foods;
 - newsagents selling pre-packed confectionery; and
 - chemist shops selling pre-packed confectionery and/or health foods.
- an establishment used for the purpose of providing caring services where the establishment is also used as a private dwelling.

This exemption covers establishments used by childminders and adult placement carers where services are being provided in their home environment as part of a family unit. These establishments will continue to be subject to food hygiene requirements but are exempt to being rated.

The exemption does not cover home caterers, who are within the scope of FHRS.

The decision tree at point 1.13, below, may also assist FAs with scope and exemption issues.

If a business meets the exemption criteria there is no provision to allow businesses to 'opt in' to the FHRS. Exempt businesses will continue to be subject to food hygiene requirements so are only exempt for rating purposes under the FHRS.

1.3 Approved Establishments

Establishment approved by FAs under Regulation EC 853/2004 are within the scope of FHRS.

Where an approved establishment has a retail element the rating given should be determined for the establishment as a whole, using Annex 5 of the *Food Law Code of Practice*. FAs should not register the retail element separately in order to provide a separate rating.

1.4 Mobile traders

Mobile food units (both retail and catering units), market stalls and occasional markets that are registered or approved by a FA in Wales are included within the scope of FHRS and should, therefore be rated unless they meet the criteria making them exempt.

It is the responsibility of the FA in whose area the food business is ordinarily kept overnight ('the registering authority') to determine the food hygiene ratings of these establishments and to inform the FSA of the ratings which will then be published at www.food.gov.uk/ratings, to deal with appeals against ratings, to deal with requests for re-rating inspections and to receive operators' 'right to reply' comments on the ratings. There will be a need for FAs to liaise closely on these issues.

In cases where the establishment operates only within the area in which it is registered this is straightforward. In other cases, the 'registering authority' must take account of information supplied to it by authorities that inspect the food business ('inspecting authorities'), who may be based outside of Wales, in determining the rating.

Where a mobile trader operates outside the area in which it is registered and an intervention is undertaken, the inspecting authority must liaise with the registering authority in order to avoid duplication of work.

When an inspecting authority in Wales undertakes a full inspection, a copy of the inspection report should be provided to the registering authority. Where a partial inspection or other type of intervention is undertaken, inspecting authorities should pass on this information to registering authorities which may assist them with risk rating the establishment. This information should be supplied within 14 working days

of the intervention or sooner depending on the nature and severity of any contraventions identified.

1.5 Village halls, community centres and similar establishments

These types of establishments vary significantly so it is difficult to be prescriptive and each set of circumstances should be considered on its merits. In doing so, the following should be taken into account:

- Is the business registered or approved by the FA?
- Is the business exempt?

The FHRS does not change which entities should be registered or approved as a food business. The FSA has produced guidance on the application of EU food hygiene law to community and charity food provision which may be helpful in determining which need registration with the local authority. This can be found at:

<https://www.food.gov.uk/sites/default/files/hall-provision-guidance.pdf>

In some circumstances, there may be more than one food business using the same premises. In such circumstances each registered or approved food business should receive a separate rating, unless they meet the criteria making them exempt.

1.6 Establishments comprising of different units at the same premises

Each registered or approved food business should receive a rating unless it meets the criteria making it exempt. Thus, where the individual units are registered or approved as a single food business establishment - e.g. a supermarket with an in-house bakery or butchers or in-house coffee shop or petrol station or restaurant - a single rating should be given.

There may be circumstances where a FA wish to consider separate units as a 'single establishment'. This flexibility may only be applied where the main focus of the establishment's activities is the supply of food direct to the final consumer. FAs should consider such businesses on a case by case basis to ensure that all three of the following criteria are satisfied:

- The operation is under a single 'controlling mind', i.e. there is one person who is responsible for the implementation of Hazard Analysis Critical Control Points - based ("HACCP") procedures; and
- One set of 'HACCP-based procedures' covers all stages and units of the operation within the wider establishment; and
- All the activities undertaken at the various units within the 'wider' establishment are within close enough proximity that it can be reasonably

expected that the single controlling mind can effectively manage the food safety management controls at all sites.

Where the units are registered as separate food business establishments, e.g. a supermarket with a coffee shop or restaurant under the control of a different FBO, separate ratings should be given.

1.7 Hospitals

If a hospital is registered or approved as a food business by a FA in Wales it should be rated, unless it meets the criteria making it exempt.

The FA with responsibility for the hospital should, at the time of the inspection, also include an assessment of a representative number of wards and other food areas that operate to the common food safety management procedures. The rating given should reflect the standards within the main establishment and the representative areas inspected. The sticker should be conspicuously displayed at all main public entrances. If hospitals wish to display in ward kitchens then additional stickers should be provided on request.

1.8 Ships, Vessels and Aircraft

If a ship, vessel or aircraft is registered or approved as a food business by a FA in Wales it should be rated, unless it meets the criteria making it exempt.

1.9 Trains and Coaches

If train and coach operating companies are registered or approved as a food business by a FA in Wales it should be rated, unless it meets the criteria making it exempt.

The FA with responsibility for the main establishment should, at the time of the inspection, also include an assessment of a representative number of trains or coaches where the food service units across the stock are of similar design and operate to common food safety management procedures. The rating given should reflect the standards within the main establishment and the representative trains or coaches.

1.10 Armed Forces, Police and Crown establishments

Armed Forces, Police and Crown establishments are, like other food business establishments, subject to the requirements of food hygiene legislation. They are therefore registered and inspected in accordance with the *Food Law Code of Practice*.

Establishments that are occupied by or used for the purpose of any of Her Majesty's Armed Forces, any police force or the Crown are included within the scope of the FHS, and should therefore be given a rating unless they meet the criteria making them exempt.

1.11 Bed and Breakfasts

These types of establishments vary significantly so it is difficult to be prescriptive and each set of circumstances should be considered on its merits. The FA will need to consider whether the establishment requires registration as a food business and, if so, rated accordingly. For example, the provision of accommodation offered on a room only basis or self-catering will not need to register and will be exempt.

1.12 Where legal action is in progress or is being considered

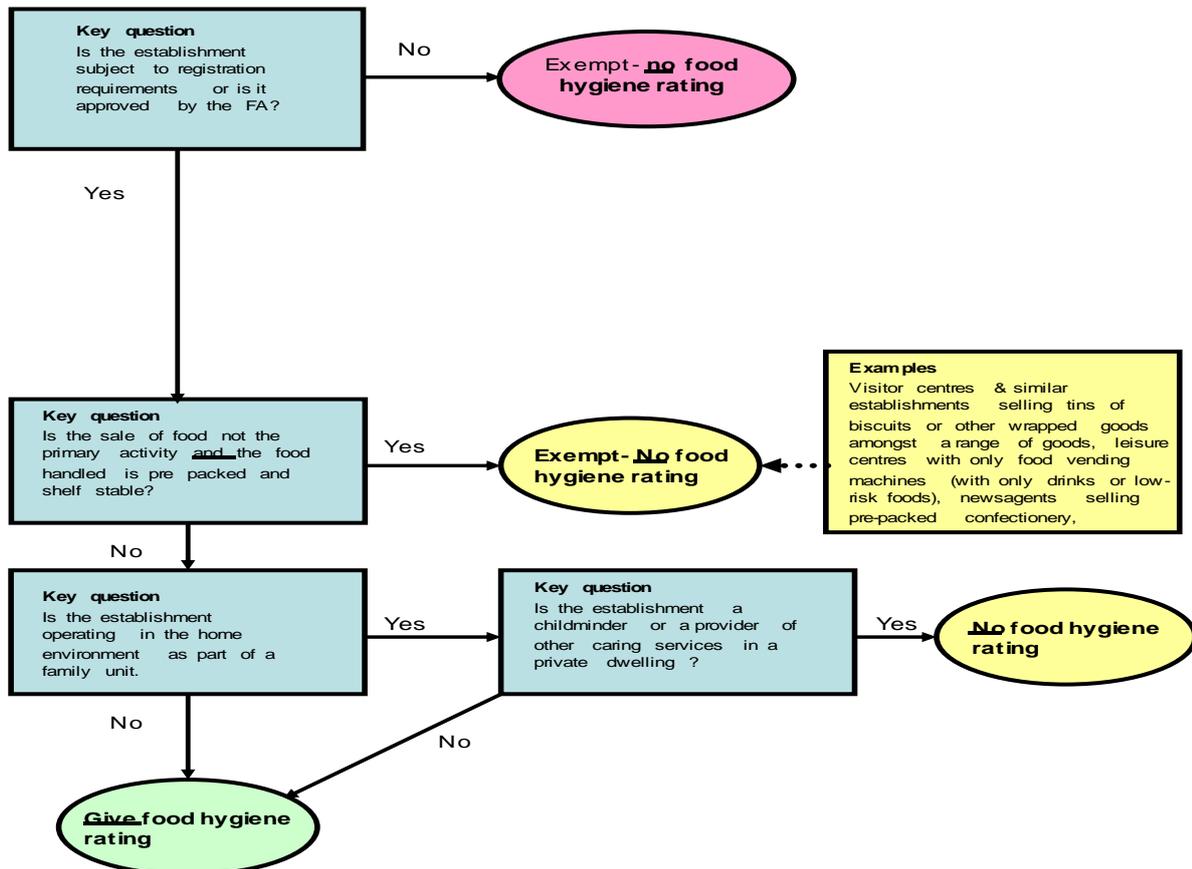
Unless an establishment meets the criteria making it exempt, an establishment in relation to which enforcement action is being taken or considered should, in general terms, be given a rating. However, this will be dependent on the nature of the action being taken:

- if the establishment has been closed because of an imminent risk to public health, either through formal action or voluntarily, it should be rated. However, whilst it remains closed, i.e. is not trading; there would be no requirement for the business to display a rating. If and when that same establishment re-opens, it must display a rating. The rating should be based on the most recent inspection, partial inspection or audit where sufficient information has been gathered to complete the risk rating.
- if the establishment is still trading and still supplying food, it should receive a rating which should be published at food.gov.uk/ratings.

In terms of the score for CIM/control procedures, it is important that this is based on the inspecting officer's professional judgement with due regard to Annex 5 of *the Food Law Code of Practice* and the decision made is justified and documented. It may be appropriate for the conditions that resulted in the closure of the establishment to be considered in the score for CIM/control procedures if issuing a rating following reopening.

The Operator should be notified, as detailed in [section 6](#) of this Guidance, and will be required to display the rating sticker when open for business.

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



Section 2: New food businesses

2.1 Introduction

The 2013 Regulations require FAs to send information to the FBO of a new food business relating to the food hygiene rating.

2.2 Information that must be sent to the FBO of a new food business

The following information must be sent to the FBO of a new food business within 14 days of the business registering with the FA, or applying for approval:

- the ratings that may be given to an establishment;
- how the ratings are calculated, including what levels of achievement are required for each rating;
- who produces the rating for an establishment and when that will be first done;
- the information on when, where and how the rating must be displayed;
- that the operator of an establishment will be notified of the rating before it is published;
- details of the FBOs rights:
 - to appeal the rating
 - to request a re-rating
 - to comment on a rating ('right to reply')
- how to obtain further information relating to the FHRS.

FAs must also send information to all establishments, making them aware of the requirements of the 2016 Regulations.

2.3 When should new establishments be rated?

The *Food Law Code of Practice (Wales)* requires that all food establishments should receive an initial food hygiene inspection. This should normally take place within 28 days of registration or from when the FA becomes aware that the establishment is in operation. This reflects the importance of ensuring new food establishments are complying with food law.

A new establishment should be rated at the first inspection unless it meets the criteria making it exempt. New businesses that have applied for approval should only

be given a rating once conditional approval has been granted and the business is trading.

In cases of a change in FBO, the establishment should be registered or approved and treated as new, and a new food hygiene rating should be given at the first inspection. The food hygiene rating for the previous FBO will cease to be 'valid' and the new FBO should be advised to remove it from display.

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

Section 3: Programme of inspection

3.1 Introduction

Welsh Ministers have approved Annex 5 of the *Food Law Code of Practice (Wales)* as the matters to which the FA must have regard when preparing and reviewing its programme for inspecting food business establishments for rating purposes under the Food Hygiene Rating (Wales) Act 2013. These have been published by the FSA, under section 14(1) (b) of the Act.

3.2 Inspection Programme

The Act requires that when preparing and reviewing its programme of inspections in accordance with section 2(1) of the Act, the FA must have regard to matters specified by the FSA and approved by the Welsh Ministers. The FSA have specified Annex 5 of the *Food Law Code of Practice (Wales)* as the matters to which the FA must have regard when preparing and reviewing its programme for inspecting food business establishments for rating purposes under the Act.

Annex 5 covers matters such as the potential hazard, method of processing, consumers at risk, the level of compliance and CIM/ control procedures, and is used to calculate the food hygiene intervention frequency and the programme of inspections. Notwithstanding the flexibilities set out in the Food Law Code of Practice, the frequencies at which food business establishments are inspected ranges from a minimum of every 6 months to every 3 years, and are detailed below:

3.3 Food hygiene intervention/ rating inspection frequencies

Category	Minimum intervention/ inspection frequency
A	At least every six months
B	At least every 12 months
C	At least every 18 months
D	at least every 24 months
E	A programme of alternative enforcement strategies or interventions every three years

Establishments that fall into Category E will be rated as low-risk and need not be included in the planned inspection programme, but must be subject to an alternative enforcement strategy at least once in every 3 years. No rating can be given on the basis of a self-assessment by the FBO, e.g. by questionnaire.

The use of alternative enforcement strategies is not an appropriate form of intervention for establishments that are subject to approval under Regulation (EC) No 853/2004.

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

4.1 Introduction

The FSA have adopted elements of the Annex 5 rating criteria for the purpose of the Food Hygiene Rating (Wales) Act 2013, the detail of which are given in this section. These are the rating criteria published under section 14(1) (c) of the Act.

The basis for the FHRS is the programme of inspection under section 2 of the Act, so an establishment can only be given a FHRS rating following an inspection made under section 2.

In the case of low risk establishments, ratings cannot be changed on the basis of self-assessments by the FBOs, e.g. by questionnaire.

The rating given must reflect the conditions found at the time of inspection, and should not take into account the remedial actions undertaken by the FBO during the course of the inspection.

The following elements of the 'food hygiene intervention rating scheme' are relevant to calculating the food hygiene rating:

- level of (current) compliance with food hygiene and safety procedures (including food handling practices and procedures, and temperature control),
- level of (current) compliance with structural requirements (including cleanliness, layout, condition of structure, lighting, ventilation, facilities etc.), and
- CIM/control procedures.

The table below sets out the *Code of Practice* guidance on scoring for the purposes of intervention-rating for each of these three elements, and specifically for each of the scores from 30 to 0. It also includes descriptions of the standards that would, in practice, be expected of a business in order to achieve these scores for the purposes of intervention-rating. The 'at a glance' chart (page 35) summarises these standards.

Food hygiene legislation and Annex 5 of the *Food Law Code of Practice* should be the first points of reference in determining the level of compliance, with this guidance providing assistance where necessary. Other guidance issued also needs to be taken into consideration and its' application, where relevant, when determining a food business' level of compliance.

This includes considering guidance in relation to the application of Article 5 of Regulation 852/2004 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.

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 (resulting in good/very good hygiene ratings) and, therefore, are subject to less frequent interventions. These measures which are apparent at scores of '0' are highlighted in ***bold italicised red text***. It should be noted that an establishment can achieve a top food hygiene rating by scoring '5' for each of the three elements used for the FHRS.

It is important to note that one of the basic principles underlying use of the Annex 5 is that officers should use the full range of scores available within the system, as the purpose of the intervention-rating system will be frustrated by cautious marking or by a reluctance to recognise effective management/control systems.

It is also important to note that the *Food Law Code of Practice* states that the CIM/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 if they are not being properly implemented, the CIM/control procedures score will be affected. 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*.

In considering CIM, 'management' covers the system as a whole. For a multi-site business, the company-wide management system and procedures are a key element of this but local store level management is also important as that will influence how these systems and procedures are applied.

The actual performance of management is scored in Part 2 [Level of current compliance] on the basis of the results achieved and observed. A management that achieves good food hygiene performance, well understood by the workforce, should have achieved a good standard in Part 2, and consequently a low score for that factor.

CIM is not meant to reconsider aspects already considered in Part 2 [Level of current compliance] of Annex 5 of the *Food Law Code of Practice*. CIM is meant to *elicit a judgement on the likelihood of satisfactory compliance being maintained in the future*.

Factors that will influence the inspector's judgement include:

- *the 'track record' of the company, its willingness to act on previous advice and enforcement, and the complaint history;*

- *the attitude of the present management towards hygiene and food safety; and*
- *hygiene and food safety technical knowledge available to the company (internal or external), including hazard analysis/HACCP and the control of critical points;*

When considering 'track record' an officer will need to consider the full range of scores available and the score given for CIM at the time of inspection will be dependent on the nature of the issues identified at the last inspection.

4.2 Primary Authority

Where there is a Primary Authority Agreement, FAs should have regard to any Primary Authority Inspection Plan, where relevant to ensure HACCP-based procedures are not subject to unnecessary further assessment. FAs should, however, consider local implementation of the HACCP-based procedures in the same way as for businesses that do not have an inspection plan.

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. The Primary Authority may also issue 'Primary Authority Advice', and this should be taken into consideration where appropriate when determining the score.

4.3 Establishments linked to an outbreak of food poisoning or emergency procedures

The FAs focus should be to deal with the outbreak or emergency situation until the case has been resolved and the risk to public health removed.

In terms of the FHRS, if the establishment is still trading, it should still have a rating. If the FA considers that the existing rating is no longer relevant, when the FA considers it appropriate to do so, the establishment should be re-rated. The new rating should be based on an inspection. It should be notified to the FBO and published in the usual way.

The CIM score should be based on the inspecting officer's professional judgement with due regard to the guidance at Annex 5 of the *Food Law Code of Practice* and the decision made should be justified and documented.

If the establishment ceases trading, it should not be rated and information about the business should not be published. If the establishment changes ownership the previous rating will cease to be valid. If the establishment re-opens (and where appropriate registers or applies for approval with the FA) it should be inspected and given a new rating.

4.4 Description of the standards

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

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 contravenes statutory obligations covering both elements of the establishment’s structure and procedures, this non-compliance may be reflected in the scores awarded for both ‘hygiene’ and ‘structural’ factors.

Level of (current) compliance with food hygiene and safety procedures	
Score	Guidance/Description
25	<p><u>Code of Practice</u></p> <p>- Specific guidance on score of 25</p> <p>Almost total non-compliance with statutory obligations.</p> <p><u>Description of what 25 might be expected to look like in practice</u></p> <p>Evidence of almost total non-compliance with legal requirements. Imminent and serious risks.</p> <p>Follow-up action by the FA in accordance with its enforcement policy using a graduated approach to include a warning letter and revisiting the establishment within a short timescale to secure compliance. This should include consideration of prohibition procedures where there is imminent risk.</p> <p>Follow-up action identified for food business operator - immediate and significant action required in respect of all serious risks. Address all other matters within stipulated timescale.</p> <p>Very poor food hygiene practices, serious food contamination risks, inadequate temperature control for high-risk foods and major improvement needed in all areas.</p> <p>Almost total non-compliance in food hygiene and safety procedures (e.g. evidence of actual cross-contamination, food kept out of temperature control, fridge not operating at correct temperature).</p> <p>Failure to apply any of (i.e. all) the control measures required to prevent cross-contamination.</p> <p>Almost total non-compliance with requirements for safe food preparation, cooking, re-heating, cooling or storage of food identified.</p> <p>Evidence of almost total non-compliance with the compliance elements of industry guides to good hygiene practice (that have been recognised formally by the FSA) on food handling practices and procedures, staff personal hygiene and temperature control.</p>

Level of (current) compliance with food hygiene and safety procedures	
Score	Guidance/Description
20	<p><u>Code of Practice</u></p> <p>- Specific guidance on score of 20</p> <p>General failure to satisfy statutory obligations – standards generally low.</p>
	<p><u>Description of what 20 might be expected to look like in practice</u></p> <p>Evidence of major and widespread non-compliance with legal requirements in relation to food hygiene and safety procedures.</p> <p>Widespread and significant risks.</p> <p>Follow-up action by the FA in accordance with its enforcement policy using a graduated approach to include a warning letter, and revisiting the establishment within a short timescale to secure compliance. This should also include consideration of formal enforcement action including remedial action notices and possible prohibition procedures where widespread and significant risks exist.</p> <p>Follow-up action identified for food business operator – to address all identified non-compliances as a matter of urgency within stipulated timescale.</p> <p>Poor standard of hygienic food handling, temperature control and staff personal hygiene and major improvements required.</p> <p>Inadequate implementation of many of the control measures required to prevent cross-contamination.</p> <p>Major and widespread non-compliance with requirements for safe food preparation, cooking, re-heating, cooling or storage of food identified (e.g. inadequate cooking times).</p> <p>Evidence of major and widespread non-compliance with the compliance elements of industry guides to good hygiene practice (that have been recognised formally by the FSA) on food handling practices and procedures, staff personal hygiene and temperature control.</p>

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

Score	Guidance/Description
15	<p><u>Code of Practice</u></p> <ul style="list-style-type: none">- Specific guidance on score of 15 <p>Some major non-compliance with statutory obligations – more effort required to prevent fall in standards.</p>
	<p><u>Description of what 15 might be expected to look like in practice</u></p> <p>Evidence of some major non-compliance with legal requirements in relation to food hygiene and safety procedures. Some significant risks.</p> <p>Follow-up action by the FA in accordance with its enforcement policy using a graduated approach but likely to include a warning letter, and revisiting the establishment to secure compliance. Consideration may also be given to formal enforcement action, for example, circumstances that may warrant the service of a Hygiene Improvement Notice.</p> <p>Follow-up action identified for food business operator – to address all identified non-compliances within stipulated timescale.</p> <p>Examples of non-compliance may include poor stock rotation or poor personal hygiene. Inadequate implementation of some of the control measures required to prevent cross-contamination.</p> <p>Some major non-compliance with requirements for safe food preparation, cooking, re-heating, cooling or storage of food identified.</p> <p>Evidence of some major non-compliance with the compliance elements of industry guides to good hygiene practice (that have been recognised formally by the FSA) on food handling practices and procedures, staff personal hygiene and temperature control.</p>

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

Level of (current) compliance with food hygiene and safety procedures	
Score	Guidance/Description
5	<p><u>Code of Practice</u></p> <ul style="list-style-type: none"> - Specific guidance on score of 5 <p>High standard of compliance with statutory obligations, industry codes of recommended practice and minor contraventions of food hygiene regulations.</p> <p><u>Description of what 5 might be expected to look like in practice</u></p> <p>Evidence of very good compliance with legal requirements, with only some minor non-compliance that are not critical to food safety.</p> <p>No follow-up action by local authority apart from report of inspection provided to food business operator. No re-visit necessary before next planned intervention.</p> <p>Only minor follow-up action identified for food business operator (in relation to issues that are not critical to food safety) in relation to food handling practices and procedures, staff personal hygiene or temperature control.</p> <p>Only minor lapses in food hygiene and safety procedures (e.g. some protective clothing not very clean and needs cleaning,).</p> <p>All necessary control measures in place to prevent cross-contamination. Safe food preparation, cooking, re-heating, cooling and storage of food demonstrated.</p> <p>Evidence of very good compliance with the compliance elements of industry guides to good hygiene practice (that have been recognised formally by the FSA) on food handling practices and procedures, staff personal hygiene and temperature control.</p>

Level of (current) compliance with food hygiene and safety procedures	
Score	Guidance/Description
0	<p><u>Code of Practice</u></p> <ul style="list-style-type: none"> - Specific guidance on score of 0 <p><i>High standard of compliance with</i> statutory obligations and <i>industry codes of recommended practice; conforms to accepted good practices in the trade.</i></p> <p><u>Description of what 0 might be expected to look like in practice</u></p> <p>Evidence of meeting legal requirements <i>or exceeding legal requirements.</i></p> <p>No follow-up action by FA apart from report of inspection provided to food business operator. No re-visit necessary before next planned intervention.</p> <p>No follow-up action identified for food business operator in relation to food handling practices and procedures, staff personal hygiene, or temperature control.</p> <p>All necessary control measures in place to prevent cross-contamination.</p> <p>Safe food preparation, cooking, re-heating, cooling and storage of food demonstrated.</p> <p><i>Evidence of meeting or exceeding good practices in the trade and/or good practice requirements included in industry guides to good hygiene practice (that have been recognised formally by the FSA) in relation to food handling practices and procedures, staff personal hygiene, or temperature control.</i></p>

Description of 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 scores awarded for both 'hygiene' and 'structural' factors.

Level of (current) compliance with structural requirements	
Score	Guidance/Description
25	<p><u>Code of Practice</u></p> <p>- Specific guidance on score of 25</p> <p>Almost total non-compliance with statutory obligations.</p> <p><u>Description of what 25 might be expected to look like in practice</u></p> <p>Evidence of almost total non-compliance with legal requirements. Imminent and serious risks. Follow-up action by the FA 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. 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. Dirty establishment and equipment, major structural problems. Insufficient space in which to operate safely. 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). Evidence of current widespread pest infestation or totally unsatisfactory waste disposal provision. 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>

Level of (current) compliance with structural requirements	
Score	Guidance/Description
20	<p><u>Code of Practice</u></p> <p>- Specific guidance on score of 20</p> <p>General failure to satisfy statutory obligations – standards generally low.</p>
	<p><u>Description of what 20 might be expected to look like in practice</u></p> <p>Evidence of major and widespread non-compliance with legal requirements. Widespread and significant risks.</p> <p>Follow-up action by the FA 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 current pest infestation or inadequate waste disposal provision.</p> <p>Evidence of major and widespread non-compliance with the compliance elements of industry guides to good hygiene practice (that have been recognised formally by the FSA) in relation to structural requirements.</p>

Level of (current) compliance with structural requirements	
Score	Guidance/Description
15	<p><u>Code of Practice</u></p> <p>- <i>Specific guidance on score of 15</i></p> <p>Some major non-compliance with statutory obligations – more effort required to prevent fall in standards.</p> <p><u>Description of what 15 might be expected to look like in practice</u></p> <p>Evidence of some major non-compliance with legal requirements. Some significant risks.</p> <p>Follow-up action by the FA 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 damage to 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>

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

Level of (current) compliance with structural requirements	
Score	Guidance/Description
5	<p><u>Code of Practice</u></p> <p>- Specific guidance on score of 5</p> <p>High standard of compliance with statutory obligations, <i>industry codes of recommended practice</i> and minor contraventions of food hygiene regulations.</p> <p><u>Description of what 5 might be expected to look like in practice</u></p> <p>Evidence of very good compliance with legal requirements, with only some minor non-compliance that are not critical to food safety.</p> <p>No follow-up action by FA apart from report of inspection provided to food business operator. No re-visit necessary before next planned intervention.</p> <p>Only minor follow-up actions identified for food business operator (in relation to issues that are not critical to food safety) in relation to structural requirements including cleanliness, layout, condition of structure, lighting, ventilation, facilities.</p> <p>Only minor repairs required (e.g. a few cracked wall tiles in a non-critical area, a minor lapse in cleaning of a hard to reach/inaccessible area).</p> <p>Evidence of adequate pest control and waste disposal provision.</p> <p>Evidence of very good compliance with compliance elements of industry guides to good hygiene practice (that have been recognised formally by the FSA) in relation to structural requirements.</p>

Level of (current) compliance with structural requirements	
Score	Guidance/Description
0	<p><u>Code of Practice</u></p> <p>- <i>Specific guidance on score of 0</i></p> <p><i>High standard of compliance with</i> statutory obligations and <i>industry codes of recommended practice; conforms to accepted good practices in the trade.</i></p> <p><u>Description of what 0 might be expected to look like in practice</u></p> <p>Evidence of meeting legal requirements <i>or exceeding legal requirements.</i></p> <p>No follow-up action by FA apart from report of inspection provided to food business operator. No re-visit necessary before next planned intervention.</p> <p>No follow-up action identified for food business operator in relation to structural requirements including cleanliness, layout, condition of structure, lighting, ventilation, facilities.</p> <p>No repairs required and no potential improvements identified, or robust procedures in place for ongoing rectification of minor repairs.</p> <p>Premises and equipment clean and in good condition.</p> <p>Evidence of effective pest control and waste disposal provision.</p> <p><i>Evidence of meeting or exceeding good practices in the trade and/or good practice requirements included in industry guides to good hygiene practice (that have been recognised formally by the FSA) in relation to structural requirements.</i></p>

Description of CIM/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.

CIM 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 FA would need to have regard to Primary Authority arrangements. It may not be necessary for officers to reassess the corporate management element. However, officers will need to consider the degree of local implementation by local management in determining the score.

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 CIM/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; and**
- 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.

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.

CIM/control procedures	
Score	Guidance/Description
30	<p><u>Code of Practice</u></p> <p>- <i>Specific guidance on score of 30</i></p> <p>Poor track record of compliance. Little or no technical knowledge. Little or no appreciation of hazards or quality control. No food safety management procedures. Manager does not recognise or accept for food safety and hygiene controls.</p>
	<p><u>Description of what 30 might be expected to look like in practice</u></p> <p>Follow-up action by the FA likely to include prohibition procedures where there is imminent risk and ongoing formal enforcement, using a graduated approach in accordance with FA 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. Safe Catering/SFBB), taking into account the flexibilities provided by Article 5 of Regulation (EC) 852/2004 on food hygiene and the related European Commission Guidance Document on <i>Implementation of procedures based on HACCP principles, and facilitation of the HACCP principles in certain food businesses</i>.</p> <p>Significant hazards not understood and no effective controls in place.</p> <p>Major improvements in food safety procedures/implementation of controls required.</p> <p>No or totally inadequate food safety management procedures.</p> <p>Staff not suitably supervised, instructed and/or trained in food hygiene and no appreciation of food hazards or controls.</p> <p>Appropriate staff not adequately trained in application of HACCP principles.</p> <p>Poor track record - may be some evidence of previous problems.</p>

CIM/control procedures	
Score	Guidance/Description
20	<p><u>Code of Practice</u></p> <p>- <i>Specific guidance on score of 20</i></p> <p>Significantly varying record of compliance. Poor appreciation of hazards and control measures. No food safety management procedures. Some reluctance in recognising or accepting the need for food safety and hygiene control procedures.</p>
	<p><u>Description of what 20 might be expected to look like in practice</u></p> <p>Follow-up action by the FA likely to include commencement of formal enforcement action, using a graduated approach in accordance with FA 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. Safe Catering/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>. Little or no progress made in developing, documenting and implementing food safety management procedures 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 in food hygiene.</p> <p>Appropriate staff not adequately trained in application of HACCP principles.</p> <p>Varying track record - may be some evidence of previous problems.</p>

CIM/control procedures	
Score	Guidance/Description
10	<p><u>Code of Practice</u></p> <p>- <i>Specific guidance on score of 10</i></p> <p>Satisfactory record of compliance. <i>Access to relevant technical advice source and/or Guides to Good Practice or assurance scheme.</i> Understanding of significant hazards and control measures in place. Making satisfactory progress towards documented food safety management procedures commensurate with type of business. Note: 'Making progress' can only be considered appropriate once. If at the next intervention the food safety management procedures are not satisfactory the score of 10 is not appropriate.</p> <p><u>Description of what 10 might be expected to look like in practice</u></p> <p>Follow up action for FA in accordance with its enforcement policy but likely to be considering informal action (report of inspection/letter identifying issues) with establishment unlikely to be a priority for a re-visit.</p> <p>Some follow-up action identified for food business operator in relation to further development and completion of documented procedures where these are commensurate with the size and nature of the business and where issues are not critical to food safety but may become so if not addressed, and not likely to put consumers at unacceptable risk.</p> <p>Generally satisfactory food safety controls in place and appropriate for size and nature of the business, and making satisfactory progress, taking into account the flexibilities provided by Article 5 of Regulation (EC) 852/2004 on food hygiene and the related European Commission Guidance Document on <i>Implementation of procedures based on HACCP principles, and facilitation of the HACCP principles in certain food businesses.</i></p> <p>All significant hazards understood and controls in place.</p> <p>Generally, food safety management procedures satisfactorily cover all activities but some further development/completion needed.</p> <p>Food safety management records appropriate for size and nature of business, and are generally maintained but with some deficiencies/gaps identified.</p> <p>Staff generally suitably supervised, instructed and/or trained in food hygiene but there may be some minor issues e.g. not all staff fully aware.</p> <p>Appropriate staff adequately trained in application of HACCP principles.</p> <p>Satisfactory track record but new businesses or those existing businesses where there has been a change in circumstances (e.g. a change in management) should not be penalised on track record where they have food safety management procedures in place. This might include existing businesses with a good previous track record but with some minor recent lapses.</p>

CIM/control procedures	
Score	Guidance/Description
5	<p><u>Code of Practice</u></p> <p>- <i>Specific guidance on score of 5</i></p> <p>Good record of compliance. <i>Technical advice available in-house or access to, and use of, technical advice from a Primary Authority, trade associations and/or from Guides to Good Practice or assurance scheme.</i> Effective management control of hazards. Having effective self-checks with satisfactory documented food safety management procedures commensurate with type of business. Audit by Food Authority confirms general compliance with procedures.</p> <p><u>Description of what 5 might be expected to look like in practice</u></p> <p>No follow-up action by FA 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. Safe Catering/SFBB), taking into account the flexibilities provided by Article 5 of Regulation (EC) 852/2004 on food hygiene and the related European Commission Guidance Document on <i>Implementation of procedures based on HACCP principles, and facilitation of the HACCP principles in certain food businesses.</i></p> <p>Hazards understood, properly controlled, managed and reviewed with supporting evidence.</p> <p>Food safety management procedures adequately cover all activities.</p> <p>Food safety management records appropriate for size and nature of business are generally maintained – but some minor deficiencies/gaps.</p> <p>Technical advice available in-house or access to, and use of, technical advice from a Primary Authority, trade associations or assurance scheme or other sources such as the FA 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>

CIM/control procedures	
Score	Guidance/Description
0	<p><u>Code of Practice</u></p> <p>- <i>Specific guidance on score of 0</i></p> <p>Excellent record of compliance. <i>Access to technical advice, or manager knowledgeable and competent. Proactive and ability of self-regulation.</i> Have satisfactory documented food safety management procedures commensurate with type of business. <i>The business may also be subject to external audit process.</i> Audit by FA confirms compliance with documented procedures with few/minor non-conformities not identified as critical control points.</p> <p><u>Description of what 0 might be expected to look like in practice</u></p> <p>No follow-up action by FA 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. Safe Catering/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><i>External audit of food safety management procedures.</i></p> <p>Hazards understood, properly controlled, managed and reviewed with supporting evidence.</p> <p>Food safety management procedures adequately cover all activities.</p> <p>Food safety management records appropriate for size and nature of business are maintained.</p> <p><i>Access to technical advice within organisation.</i></p> <p>All staff suitably supervised, instructed and/or trained in food hygiene.</p> <p>Appropriate staff trained in application of HACCP principles.</p> <p>Very good track record but new businesses or those existing businesses where there has been a change in circumstances (e.g. a change in management) should not be penalised on track record where they have food safety management procedures in place.</p>

Code of Practice hygiene intervention rating scores – ‘at a glance’

Score	Standards			Compliance	Risk to public health	FBO action	LA action
	Hygiene	Structure	CIM				
25 CIM =30	<p>Very poor food hygiene practices, serious food contamination risks, inadequate temperature control for high-risk foods and major improvement needed in all areas.</p> <p>Failure to apply any (i.e. all) of the control measures required to prevent cross-contamination.</p> <p>Almost total non-compliance with requirements for safe food preparation, cooking, re-heating, cooling or storage of food identified.</p>	<p>Almost total non-compliance with structural requirements.</p> <p>Insufficient space in which to operate safely.</p> <p>Evidence of current widespread pest infestation or totally unsatisfactory waste disposal provision.</p>	<p>No evidence of food safety management /documented procedures.</p> <p>Significant hazards not understood and no effective controls in place.</p> <p>Staff not suitably supervised, instructed and/or trained and no appreciation of food hazards or controls.</p> <p>Poor track record.</p> <p>Management likely not to 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 FA 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	Standards			Compliance	Risk to public health	FBO action	LA action
	Hygiene	Structure	CIM				
20	<p>Poor standard of hygienic food handling, temperature control and staff personal hygiene and major improvements required. Inadequate implementation of many of the control measures required to prevent cross-contamination. 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. Poor design layout that is likely to lead to cross-contamination and to food safety being compromised. Evidence of current pest infestation or inadequate waste disposal provision.</p>	<p>Food safety management/documente d procedures inappropriate or inadequate. Little or no progress made since the last intervention. Significant hazards not fully understood and not all controls in place. Significant improvements in food safety procedures/implementation of controls required. Some staff not suitably supervised, instructed and/or trained. Varying track record.</p> <p>Management likely to show 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 FA 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	Standards			Compliance	Risk to public health	FBO action	LA action
	Hygiene	Structure	CIM				
15	Inadequate implementation of some of the control measures required to prevent cross-contamination. Some major non-compliance with requirements for safe food preparation, cooking, re-heating, cooling or storage of food identified.	Significant improvements needed in standard of structure and equipment cleaning, maintenance and repair, and in hand and equipment washing facilities. Poor design layout potentially leading to cross-contamination and to food safety being compromised. Major non-compliance with structural requirements (e.g. may be some damaged work surfaces, some significant dirt.) Evidence of current pest activity or inadequate waste disposal provision.	Not applicable.	Some major non-compliance.	Some significant risks.	Address all identified non-compliances within stipulated timescale.	In accordance with FA 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	Standards			Compliance	Risk to public health	FBO action	LA action
	Hygiene	Structure	CIM				
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 FA 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	Standards			Compliance	Risk to public health	FBO action	LA action
	Hygiene	Structure	CIM				
5	<p>Only minor lapses in food hygiene and safety procedures.</p> <p>All necessary control measures in place to prevent cross-contamination.</p> <p>Safe food preparation, cooking, re-heating, cooling and storage of food demonstrated.</p>	<p>Only minor repairs required.</p> <p>Evidence of adequate pest control and waste disposal provision.</p>	<p>Food safety management/procedures in place.</p> <p>Hazards understood, properly controlled, managed and reviewed.</p> <p>Food safety management records appropriate and are generally maintained.</p> <p>Staff suitably supervised, instructed and/or trained with good general staff knowledge and new staff receiving induction training.</p> <p>Good track record.</p>	<p>Very good with only some minor non-compliances not critical to food safety.</p>	<p>No risks identified.</p>	<p>Only minor follow-up action in relation to issues that are not critical to food safety.</p>	<p>Report of inspection provided to operator.</p>
0	<p>All necessary control measures in place to prevent cross-contamination.</p> <p>Safe food preparation, cooking, re-heating, cooling and storage of food demonstrated.</p>	<p>No repairs required and no potential improvements identified, or robust procedures in place for ongoing rectification of minor repairs.</p> <p>Premises and equipment clean and in good condition.</p> <p>Evidence of effective pest control and waste disposal provision.</p>	<p>Food safety management/procedures in place.</p> <p>Hazards understood, properly controlled, managed and reviewed.</p> <p>Food safety management records appropriate and maintained.</p> <p>All staff suitably supervised, instructed and/or trained.</p> <p>Very good track record.</p>	<p>Meeting or exceeding legal requirements.</p>	<p>No risks identified.</p>	<p>None identified.</p>	<p>Report of inspection provided to operator.</p>

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

5.1 Introduction

The following elements of the 'food hygiene intervention rating scheme' at Annex 5 of the *Food Law Code of Practice (Wales)* are relevant to calculating the food hygiene rating following an inspection: level of (current) compliance with food hygiene and safety procedures (including food handling practices and procedures, and temperature control), level of (current) compliance with structural requirements (including cleanliness, layout, condition of structure, lighting, ventilation, facilities etc.), and CIM/control procedures.

Each element is numerically scored against the relevant criteria on the basis of guidance given in the Code and in [Section 4](#) of this document.

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

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

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

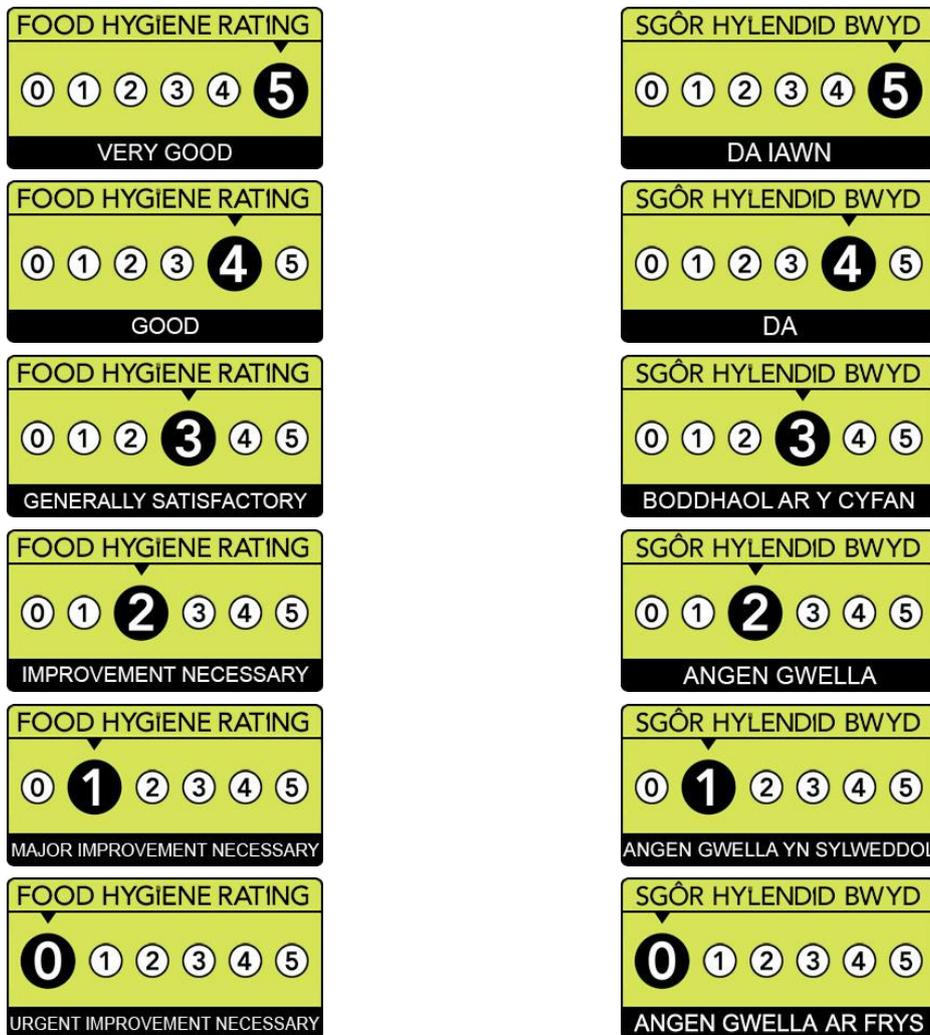
The table below outlines this mapping:-

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

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

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

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



Section 6: Notification of food hygiene ratings

6.1 Introduction

Following inspection the FA must send information to the FBO relating to the food hygiene rating.

6.2 When must the notification be sent

The notification must be sent in writing, within 14 days from the date of the inspection. The number of 'days' includes weekends and bank holidays.

Where the term 'send' is used the definition in the Interpretation Act 1978 should be applied, namely the notification is considered 'sent' by properly addressing, pre-paying and posting a letter containing the document and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Where the term 'written' is used the definition in the Interpretation Act 1978 should be used. The interpretation of 'written' includes 'other modes of representing or reproducing words in a visible form', which can include email. Notification via email should only occur when the FBO has agreed to accept written notification electronically, and only to an email address where the FBO has confirmed that they are content to receive notification. A food hygiene rating sticker must also be sent within 14 days from the date of inspection.

For multi-site businesses, FAs must ensure that the notification and sticker(s) are sent to the local establishment and that the notification is also communicated to the head office.

For establishments where the FA is itself the FBO, notification and sticker(s) are sent to the establishment and the notification is also communicated to the appropriate person within the FA, in accordance with any local procedures.

6.3 Information to accompany notification

The following information must also be sent to the FBO along with the written notification:

- a copy of the inspection report used to calculate the rating. In cases where the highest rating has not been given, details of the action needed, with reference to each of the rating criteria, before the highest rating can be given;
- the food hygiene sticker(s) for the rating that has been achieved and information on the requirement to display the rating;
- details of when, where and how the rating will be published;

- details of the procedure for making an appeal including the following information:
 - the name and contact details of the officer who carried out the inspection,
 - the period within which the appeal must be made,
 - how to obtain the form for making an appeal,
 - the name and contact details to whom the completed appeal form must be sent,
 - the process by which the appeal will be decided and the FBO informed of the outcome
- information on the FBOs 'right to reply', including the name and contact details of the person to whom the comments must be sent, and the process by which the comments are forwarded to the FSA and published on the website - www.food.gov.uk/ratings. Template forms for submitting a 'right to reply' are available. See [Section 8](#) for further information.
- information on how to request an inspection for the purpose of re-rating, and that the request can be made at any time. Details of how to obtain the form for making a request and to whom the completed form must be sent. Details of the costs for the inspection, and how and when these must be paid. See [Section 9](#) for further information.
- a statement informing the FBO of the circumstances in which the rating and sticker cease to be valid. See [Section 10](#) of this guidance.

6.4 Presentation of the Information

Details of why the establishment was rated as it was, must be presented for each of three elements assessed - hygiene, structure and CIM/control procedures. In cases where the highest rating has not been given, details of the action needed to achieve legal compliance (and the highest rating can be given) must also be given.

A standard leaflet has been produced by the FSA to accompany the notification. The leaflet includes much of the information required to accompany the notification - including information on appeals, right to reply, publication of rating, display of sticker and requesting re-rating - however each notification will need to include specific information relating to the FA and the food business establishment. A copy of the leaflet - Food Hygiene is Getting Easier to Spot in Wales - can be found at: www.food.gov.uk/multimedia/pdfs/wales-business-leaflet-fhrs.pdf

The FSA has also produced a detailed information note on the safeguards available to food businesses. This information includes the ways in which businesses may appeal and a step-by-step breakdown of the process. A copy of the information note *Business Safeguards Explained* can be found at: <https://www.food.gov.uk/sites/default/files/multimedia/pdfs/fhrs-safeguards-wales-english.pdf>

Section 7: Appeals

7.1 Introduction

To ensure fairness to businesses, FAs must have an appeals procedure in place for FBOs to dispute the food hygiene rating given in respect of their establishment if they consider it to be unjust.

The appeals procedure is illustrated in the flow chart at point 7.7 below. In essence, if a FBO considers that the food hygiene rating given by the 'inspecting officer' (i.e. the officer undertaking the inspection) is unjust, the FBO may appeal on one of the grounds detailed in section 5 of the Act. These are detailed in 7.2 below.

A FBO may appeal after a re-inspection if the FBO considers that the 'new' food hygiene rating given is unjust. The basis of all appeals is the same.

If the FBO disputes the rating given but has not made an appeal in the prescribed manner, they should be encouraged to discuss any issues with the inspecting officer. It may be possible for the inspecting officer to resolve any dispute about the food hygiene rating in an informal manner by further clarifying and explaining how it was derived. The FBO should however be reminded of their right to appeal.

7.2 When and how must the appeal be made?

The appeal must be made in writing on the prescribed form within 21 days, from the date of receipt of notification. The prescribed form is detailed in Schedule 2 to the 2013 Regulations and can be found on the FSA's webpages at:

<https://www.food.gov.uk/business-industry/caterers/hygieneratings/fhrsguideforbusiness>

The appeals procedure is relevant where the FBO believes that the rating given is unjust. The FBO may appeal on one of the following grounds:

- that the rating does not properly reflect the food hygiene standards at the establishment at the time of the inspection, or,
- that the rating criteria were not applied correctly when producing the food hygiene rating.

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

If the FBO has made an appeal in writing, on the prescribed form, the appeal should be considered by an authorised officer who was not involved in the assessment of the rating that is being appealed.

In some circumstances, a further visit to the establishment may be appropriate. This will depend on the nature of the issues identified 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. For example, a visit to the establishment may be helpful in deciding whether a wash hand basin is 'suitably located'.

7.3 Communicating outcome of appeal

The appeal must be determined and the decision should be communicated to the FBO within 21 days from the date that the appeal was received. The FA will need to consider how best to record the receipt of appeals.

Following the determination of the appeal, the FA must notify the FSA of its decision within 21 days from the date that the appeal was received. Where the decision is to revise the food hygiene rating, the FA must send to the FSA a copy of the appeal form, the inspection report and the notification of the revised food hygiene rating. This information should be forwarded to:

Local Authority Support and Audit Team
Food Hygiene Rating (Wales) Act
Food Standards Agency Wales
11th Floor
Southgate House
Wood Street
Cardiff
CF10 1EW

Or by email to: fhrs.wales@foodstandards.gsi.gov.uk

7.4 Notification of appeal

If the FA decides to revise the rating the following information must also be sent to the FBO along with the written notification:

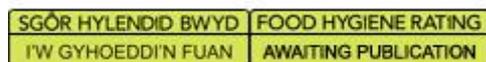
- a copy of the inspection report used to calculate the rating. In cases where the highest rating has not been given, details of the action needed, with reference to each of the rating criteria, before the highest rating can be given. This may mean that the original inspection report will need to be amended;
- the food hygiene sticker(s) for the rating that has been achieved and information on the requirement to display the rating;
- details of when, where and how the rating will be published;
- information on the FBOs 'right to reply', including the name and contact details of the person to whom the comments must be sent, and the process by which the comments are forwarded to the FSA and published on the

website - www.food.gov.uk/ratings. Template forms for submitting a 'right to reply' are available. (see [Section 8](#) for further information)

- information on how to request an inspection for the purpose of re-rating, and that the request can be made at any time. Details of how to obtain the form for making a request and to whom the completed form must be sent. Details of the costs for the inspection, and how and when these must be paid.
- a statement informing the FBO of the circumstances in which the rating and sticker cease to be valid. See [Section 10](#) of this guidance.

7.5 Display of the rating being appealed

The rating will not be displayed on the FSA website food.gov.uk/ratings during the 21 day appeal period. If an appeal is submitted the 'Awaiting publication' image (see below) will be displayed until the appeal is determined.



The rating will not become 'valid' until the appeal has been determined and the operator has received notification of the outcome. The food hygiene rating will be published at food.gov.uk/ratings following the outcome of appeal being communicated to the FBO.

When the FBO is notified of the revised food hygiene rating a new sticker will be provided with the notification of the new rating. The FBO should destroy the previous 'invalid' sticker and be reminded that to continue to display an invalid sticker will constitute an offence which may be punishable by a Fixed Penalty of up to £200. Only one rating – the valid rating – can be displayed at any point in time (see also [Section 10](#) on display).

If no appeal is made the rating will be 'valid' after the 21 day period has expired. The rating sticker will then need to be displayed in accordance with regulation 9 of the 2013 Regulations, and the rating will be published on the food.gov.uk/ratings.

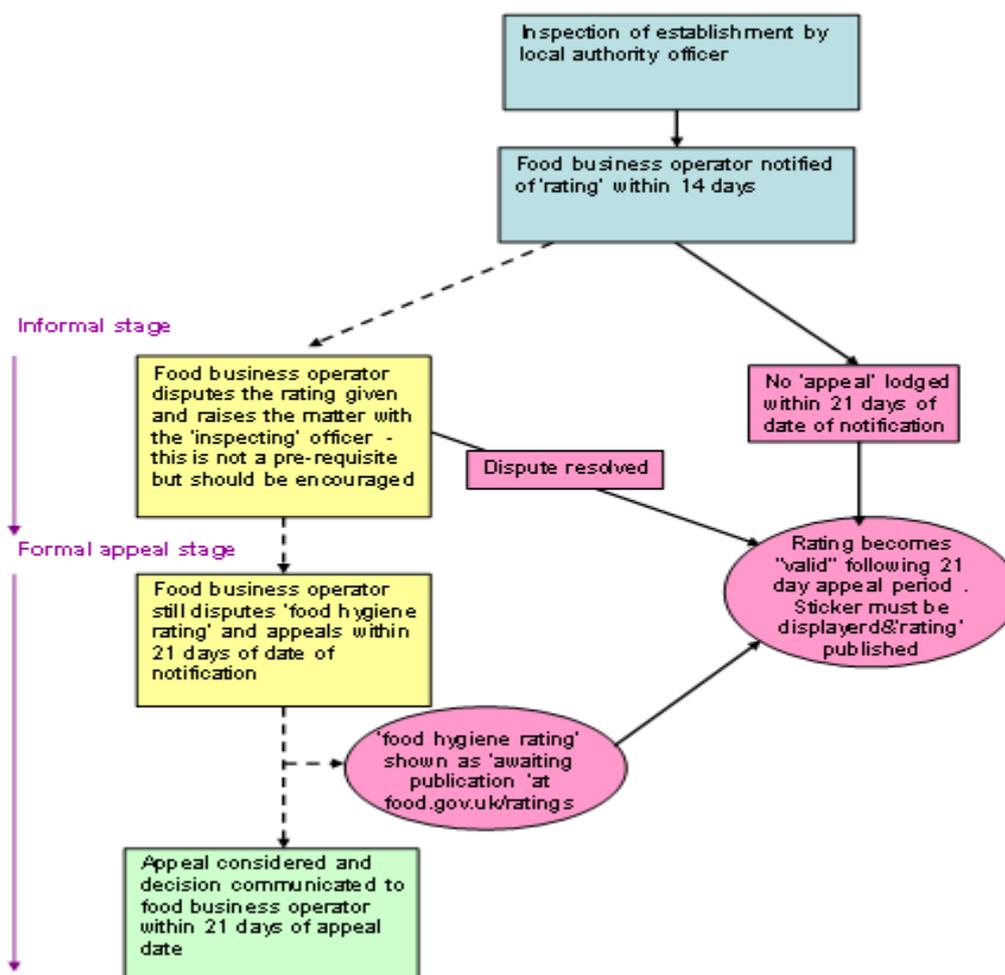
7.6 If the FBO disagrees with the outcome of the appeal

If the FBO disagrees with the FA's decision on appeal (which could be to uphold the original rating or revise it to a lower rating), and/or the procedure by which the FA reached its decision, the FBO could have recourse by applying for leave to bring judicial review proceedings against the FA.

The FBO would also have recourse to the FA complaints procedure (including taking the matter to the Public Services Ombudsman for Wales where appropriate) if they consider that a council service has not been properly delivered.

Although not part of the scheme's appeal procedure, the FBO may still use the FA's formal complaints procedure if dissatisfied with any aspect of the authority's services.

7.7 Flowchart illustrating the appeals procedure



Notes

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

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 the FBO is dissatisfied with any aspect of the authority's services.

Section 8: Right to reply

8.1 Introduction

Section 11 of the Act provides FBOs with an additional safeguard for businesses, through the 'right to reply'. This gives FBOs the opportunity to comment on the establishment's rating and enables them to give an explanation of actions taken since they received their food hygiene rating, or, for example, to say if there were particular circumstances at the time of the inspection that might have affected the rating.

8.2 The 'Right to reply'

FBOs have a 'right to reply' which may be published on the FSA website, at www.food.gov.uk/ratings alongside the rating to which the comments relate. The FBO may submit their 'right to reply' comments at any time while the rating is valid, whether or not an appeal has been made. The 'right to reply' will remain on the website until a new food hygiene rating is given.

The purpose of the 'right to reply' is to enable the FBO to give an explanation of actions that have been taken following the inspection at which the rating was given or to give any information on particular circumstances at the time of the inspection, rather than to complain or criticise the FHRs or 'inspecting officer'.

The 'right to reply' comments must be made in writing and submitted to the FA; a standard template form that FBOs may use to submit a 'right to reply' is available at <https://www.food.gov.uk/business-industry/caterers/hygieneratings/fhrsguideforbusiness>

There is no requirement for this form to be used, and a FBO is free to submit their comments in a different written format, clearly marked as their 'right to reply' comments. The text will be published by the FSA at food.gov.uk/ratings.

The FSA will publish the comments within seven days of receiving them from the FA, except where the rating has yet to be published in which case the comments will be published within seven days of the publication of the rating.

Any 'right to reply' comment that contains offensive, defamatory, clearly inaccurate or irrelevant remarks will not be published. In such cases the FBO will be advised that the text does not meet the purpose of the 'right to reply' and will be invited to revise their text.

Section 9: Requests for inspection for re-rating purposes

9.1 Introduction

FAs must have a procedure in place for undertaking inspections at the request of the FBO for re-assessing the food hygiene rating of an establishment.

The requested re-rating inspection mechanism applies in cases where the FBO has agreed to pay the reasonable costs of re-rating, and certain conditions are met.

As part of the notification sent to FBO following inspection, the FA must inform the FBO of their right to request an inspection for the purpose of re-rating, including details of how to obtain the form for making a request and to whom the completed form must be sent, details of the costs for the inspection, and how and when these must be paid. (See [Section 6](#) for further information)

This Guidance is designed to outline the procedure for dealing specifically with inspections requested by the FBO for the purposes of re-rating, and not those undertaken in the course of normal follow-up enforcement action. Where a follow-up enforcement visit is being undertaken the FA revisit policy will apply.

The Guidance highlights that where the requested visit involves an inspection, partial inspection or audit, the intervention rating may be revised by the FA officer in accordance with the provisions of the *Food Law Code of Practice (Wales)*. There will be times when it is appropriate to revise the intervention rating, and other times when it is not. Each case will need to be determined on its own merits. The officer will need to exercise professional judgement in making the decision and will need to document the reasons for the decision made.

9.2 Requested inspections for re-rating purposes

Before an inspection for re-rating purposes can be undertaken the FBO must make the request in writing on the prescribed form (this may include submitting the completed form via email). The FBO must have paid the reasonable costs of the re-rating, (unless the FA has not required payment of those costs in advance, as provided for in section 12(6) of the Act, in which case the costs may be paid after the re-rating inspection has been completed) and the following conditions must be met:

- any appeal against the current rating has been determined,
- the operator has notified the authority of the necessary improvements that have been made at the establishment,
- the authority considers it reasonable to inspect and re-assess the establishment; taking into account the improvements that have been made,
- the current rating sticker is displayed at the establishment,
- the FBO has agreed to give access to the authority in order to carry out the inspection.

The FBO can make a request for an inspection for re-rating purposes at any time. The number of requests made by the FBO is not limited but inspections for the purposes of re-rating will only be undertaken if all the conditions are met.

9.3 Information to support the request for inspection for re-rating purposes

The request for inspection should outline the case for the requested re-rating inspection, i.e. it should indicate the actions that have been taken by the FBO to rectify the non-compliance(s) identified and, where appropriate, should include supporting evidence.

The supporting case should refer to those actions that the FA informed the FBO would need to be taken in order to improve the level of legal compliance, and could include items such as photographs of work completed, copies of training certificates etc.

9.4 Request for inspection for re-rating purposes where conditions are not met

If the case made by the FBO does not meet the required conditions, the FA can decline a request to undertake a re-rating inspection on that basis. In doing so, the FA should explain, in writing, why the request is being declined at this stage and should re-state the conditions that must be met, including the actions that must be taken in order to improve the level of legal compliance and indicate what evidence will be required before a re-rating inspection is made.

Where the operator has failed to notify the FA of the improvements that have been made at the establishment, the FA may reject the request for a re-rating on the basis that all conditions have not been met.

If the FA visits the business to undertake the re-rating, but is unable to undertake the inspection as the conditions are not met, the FA may deduct the reasonable cost of the visit from the fee paid and return the balance to the business. If the business still wishes to pursue a re-rating application, they have to reapply and pay a new fee.

Where the operator is not displaying the current rating sticker the FA may also consider taking enforcement action for the failure to display the rating. The FA may continue to attempt to undertake a re-rating inspection within the remainder of the 3 month period and to issue further fixed penalty notices (“FPNs”) if the rating sticker continues not to be displayed.

9.5 When and how must the inspection for re-rating purposes be undertaken

If the FBO has made the request in writing on the prescribed form, has agreed to pay the reasonable costs of re-rating, and has met the conditions (see 9.2) the inspection must be undertaken no later than 3 months after the request was received by the FA.

In particular, where the improvements that have been made are issues concerned with CIM/control procedures it would be reasonable for the inspection for re-rating to take place towards the end of the 3 month period in order to establish that the improvements are fully implemented and sustained.

Where possible, the inspection should be unannounced. The general principle is that inspections should be carried out without prior warning, except in cases where prior notification is necessary.

A new food hygiene rating should not be given on the basis of documentary evidence alone; an inspection will need to be undertaken before a re-rating is provided.

Where a request has been received from a FBO whose business is programmed for an inspection within 3 months of receipt of the request the FBO should be informed. The FA should inform the FBO that a visit is planned within the next 3 months, but should not give the planned date of the inspection, and should give the FBO the option of proceeding with the requested inspection for re-rating purposes or withdrawing their request and waiting for the programmed inspection.

9.6 Hygiene standards at the time of the inspection for re-rating purposes

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

9.7 Notification of re-rating

Following an inspection for the purposes of re-rating, the FA must notify the FBO of the outcome, whether the rating has changed or remained the same. The notification must be sent in writing, within 14 days from the date of the inspection together with a written statement of the reasons for the rating.

If the FA decides to change the rating the following information must also be sent to the FBO along with the written notification:

- a copy of the inspection report used to calculate the rating. In cases where the highest rating has not been given, details of the action needed, with reference to each of the rating criteria, before the highest rating can be given;

- the food hygiene sticker(s) for the rating that has been achieved and information on the requirement to display the rating;
- details of when, where and how the rating will be published;
- details of the procedure for making an appeal including the following information:
 - the name and contact details of the officer who carried out the inspection,
 - the period within which the appeal must be made,
 - how to obtain the form for making an appeal,
 - the name and contact details of the person to whom the completed appeal form must be sent,
 - the process by which the appeal will be decided and the FBO informed of the outcome
- information on the FBOs 'right to reply', including the name and contact details of the person to whom the comments must be sent, and the process by which the comments are forwarded to the FSA and published on the website - www.food.gov.uk/ratings. Template forms for submitting a 'right to reply' are available. (See [Section 8](#) for further information).
- information on how to request an inspection for the purpose of re-rating, and that the request can be made at any time. Details of how to obtain the form for making a request and to whom the completed form must be sent. Details of the costs for the inspection, and how and when these must be paid.
- a statement informing the FBO of the circumstances in which the rating and sticker cease to be valid – see [Section 10](#) on Display.

9.8 Powers of entry/authorisation for requested inspection for the purposes of re-rating

By virtue of making a request, the FBO has agreed to ensure that the FA will be given access to carry out an inspection of the establishment for the purpose of re-rating. Officers will also be afforded powers of entry by their authorisation under the Food Hygiene Rating (Wales) Act 2013.

Where such a power of entry is exercised, and the officer concerned is also authorised under the Food Hygiene (Wales) Regulations 2006 and as such has powers of entry and has the powers to take enforcement action under that legislation that fact should be made clear to the FBO.

Section 10: Display of food hygiene rating stickers

10.1 Introduction

The Act requires the operator of a food business to display a food hygiene rating sticker provided by the FA.

The sticker displayed must show the establishments' valid food hygiene rating, and must be displayed at or near each customer entrance to the establishment.

10.2 The Food Hygiene Rating Sticker

The form of the FHRs sticker is defined in the 2013 Regulations.

The prescribed stickers are 190mm (wide) x 158mm (tall) with bilingual Welsh/English text showing a rating from 0 to 5. The stickers prescribed in the 2013 Regulations differ from those provided under the voluntary scheme in that they include the WG logo.

The stickers are shown below:



In addition to the 6 prescribed rating stickers the FSA will continue to provide a sticker for businesses that have not yet been rated.

A 'rating awaited' sticker may be given if requested by the FBO. Examples of some of the circumstances where such a sticker may be given are detailed below:

- Where a 'new' establishment is registered;

- Where there is a change of FBO that means that the establishment should be registered and treated as 'new'

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

Rating stickers may only be issued by the FA, and for this reason only FAs may order stickers. FAs should ensure that supplies of stickers are kept in a secure place and report any loss of stickers to the FSA. Details of how FAs can order the stickers are given at 10.9 below.

FAs should add the following information on the reverse side of the 'sticky on the front' stickers:

- the name of the business;
- the date of the hygiene rating OR date of issue for establishments 'rating awaited';
- the FA name; and
- an authorising signature (the inspecting or other officer allocated responsibility to sign them on behalf of the FA)

The FA should also add a sticker/stamp of its own logo to the top right hand corner of the reverse side of the sticker if it wishes.

10.3 When should the stickers be given

FBOs must be notified of their rating in writing within 14 days from the date of the inspection. See [Section 6](#) - Notification of food hygiene ratings.

The sticker becomes valid and must be displayed 21 days after it is received or after any appeal has been determined and the FBO notified of the outcome. The FBO should then remove from display and destroy any sticker they have for the previous rating, to continue to display an invalid sticker will constitute an offence under the Act. Only one rating – the valid rating – can be displayed at any one time.

10.4 Location and manner of display

All establishments rated as part of the FHRS must be provided, by the FA, with sticker(s) that must be displayed at or near each customer entrance to the establishment. The rating must be displayed in a conspicuous place where it is capable of being easily read by customers before they enter the establishment when it is open for business.

The 2013 Regulations specify that a sticker must be displayed:

- on a window that forms part of the relevant entrance; or
- on an exterior window that is adjacent to the relevant entrance; or
- inside the establishment but capable of being read through such a window; or

- if there is no such window, at some other place at or near the relevant entrance(s); or
- where there is no surface available that is suitable for display, on a wall or other surface where it is capable of being easily read by customers.

Where the establishment has **multiple entrances** the business must be provided with and display a sticker for each customer entrance. Stickers are available in two formats – ‘sticky on the front’ and ‘sticky on the back’.

A ‘**drive-through**’ business may be an example of an establishment with multiple entrances. Any traditional customer entrances, where customers could enter the establishment on foot, would need to display a sticker as would the entrance to the drive through. It would therefore be necessary for the FBO to display a sticker at the entrance to the drive through, for example at the point where the customer places the order. The customer could then choose not to place an order if dissatisfied with the establishment’s rating.

Where there are **multiple, separately registered or approved, businesses operating from the same premises** each FBO will need to display the sticker relating to their business at or near each customer entrance to their establishment. The rating must be displayed in a conspicuous place where it is capable of being easily read by customers before they enter the establishment when it is open for business. It must be possible for customers to easily distinguish the ratings of each business.

For example, in a **department store** where there is a separate coffee shop located within the store, it would be expected that the rating for the coffee shop would be displayed at or near the entrance to the coffee shop. It would also be good practice to display the rating at each customer entrance to the premises, clearly identifying the rating as that of the coffee shop. The same principle applies to other similar premises, for example to service stations, hospitals etc.

If the establishment is one where food is provided to customers but customers are not permitted or invited to enter the establishment or it is incapable for all practical purposes of being entered by customers - for example, a mobile food van, or domestic premises - the sticker showing the establishment’s valid rating must be displayed in a conspicuous place at the establishment where it is capable of being easily read by customers when the establishment is open for business.

For example, in the case of a **home catering establishment**, it would be acceptable for the sticker to be displayed conspicuously in the location where the interaction between the FBO and the customer takes place, e.g. in the entrance - hallway or porch, on the back door if this is where customers would usually enter/collect, when the establishment is open for business. Practically, this means that the sticker does not need to be permanently affixed but must be displayed when open for business e.g. when food is being provided to the customer.

If the establishment is one where food is produced (manufactured) so customers are not permitted or invited to enter the food preparation area of the establishment - for example, a food manufacturer - the sticker showing the establishment’s valid rating

must be displayed in a conspicuous place at the establishment where it is capable of being easily read by customers when the establishment is open for business.

For example, in the case of a **food manufacturer**, it would be acceptable for the sticker to be displayed conspicuously in the location where the interaction between the FBO and the customer takes place, e.g. in the entrance - reception area, and/or on the door at the point where customers would usually enter/collect orders.

Where food is provided to customers by or on behalf of an operator at **outlets away from the operator's** establishment - such as vending machines, market stalls and mobile vehicles - that are part of the operator's business. Where those outlets are not eligible for a rating in their own right, a sticker showing the valid rating for the establishment must be displayed in a conspicuous place at each outlet where it is capable of being easily read by customers when the outlet is open for business.

For example, in the case of a vending machine this may mean displaying the sticker on the front of the machine. For a market stall this could mean attaching the sticker to the stand or table, or perhaps by displaying the sticker in a picture frame on the table. For mobile vehicles this may mean displaying the sticker on a window or elsewhere on the vehicle.

Please note that where examples are given, these are indicative and not an exhaustive list. Each establishment must be judged on its individual merits. It is not possible to include an example for each set of circumstances that may arise, but the principle of providing food hygiene rating information to the public, via a sticker, displayed in a conspicuous place where it is capable of being easily read by customers, before they enter the establishment when it is open for business, should apply.

10.5 Certificates

The Act does not include any reference to certificates. FAs should not issue certificates relating to ratings issued in accordance with the Act.

10.6 Sticker validity

The Food Hygiene Rating sticker becomes valid when the rating is valid.

The first rating becomes valid and the sticker must be displayed once the FBO has been notified of the rating and the period of 21 days for an appeal against the rating has expired, or if an appeal has been made, the appeal has been determined and the FBO has received notification of the outcome.

A rating remains valid and the accompanying sticker must be displayed until notification of a new rating is received and the period of 21 days for an appeal against the rating has expired, or if an appeal has been made, the appeal has been determined and the FBO has received notification of the outcome.

The sticker ceases to be valid when the establishment's food hygiene rating ceases to be valid.

The rating ceases to be valid when there has been a transfer of ownership of an establishment or an establishment has ceased trading.

If an establishment's sticker ceases to be valid, the FBO must remove it from display and destroy it, unless the operator is instructed not to destroy it by an authorised officer.

10.7 Use of any of the branding for marketing and advertising purposes by FAs

FAs are encouraged to promote the FHRS to both food businesses and consumers in their areas and can use the FHRS branding for marketing and advertising purposes. See [Section 14](#) for guidance on the implementation of the 2016 Regulations.

10.8 Use of any of the branding for marketing or advertising purposes by FBOs

It is recognised that FBOs may wish to publicise their ratings.

FHRS branded artwork may be provided to FBOs but in doing so, FBOs should be reminded that 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. FAs may advise FBOs that they may include on their website a link to the FSA website where customers can find out about their food hygiene rating.

10.9 Ordering stickers

Rating stickers may only be issued by the FA, so for this reason only FAs may order stickers. FAs can order stickers free of charge from EC Group on 0845 606 0667 or foodstandards@ecgroup.co.uk using the order references below:

	STICKY ON FRONT - STANDARD	STICKY ON BACK
FHRS Rating Awaited	FSA/1598/0414	FSA/1709/0414
FHRS 0 Rating	FSA/1585/0414	FSA/1710/0414
FHRS 1 Rating	FSA/1586/0414	FSA/1711/0414
FHRS 2 Rating	FSA/1587/0414	FSA/1712/0414
FHRS 3 Rating	FSA/1588/0414	FSA/1713/0414
FHRS 4 Rating	FSA/1589/0414	FSA/1714/0414
FHRS 5 Rating	FSA/1590/0414	FSA/1715/0414

Section 11: Requests for information about food hygiene ratings

11.1 Introduction

Section 8 of the Act places an obligation on the FBO to provide information on the business' food hygiene rating if requested.

The operator must ensure that each relevant employee is aware of the establishment's food hygiene rating. Relevant employees must tell any person who asks (verbally) for the rating that the business has received. This applies in face to face situations as well as over the telephone.

11.2 Relevant employee

A 'relevant employee' is described in the legislation as someone who:

- *is employed at the establishment, and*
- *is likely, in the opinion of the operator, to be subject to a request to inform a person verbally of the establishment's food hygiene rating.*

In practice this is likely to mean those employees who, as part of their duties, have face to face communication with the public. Examples of such 'relevant employees' may include those taking orders at a restaurant/take away but would not include the food handler responsible for food preparation and working in the kitchen only.

'Relevant employees' would also include staff that work at a customer information desk at a large supermarket to whom other staff members would routinely refer people to for information.

Section 12: Use of the food hygiene rating scheme IT platform

12.1 Introduction

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 FA 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.

Separate User Documentation covering technical issues and practical aspects of using the IT platform is available at <https://www.food.gov.uk/enforcement/enforcework/hygienscoresresources/fhrsitguides>

12.2 The 'IT platform'

The IT platform comprises the following key elements:

- a **central database** for storing the data on food business establishments uploaded to the system by FAs;
- a **'portal'** where participating local authorities are able to review and validate data, configure system functions to meet local needs, upload information not collected in automated processes and run management reports;
- a **reporting facility** that allows the running of management reports; and
- an **online search facility** that provides a single access point to consumers for hygiene ratings for food business establishments covered by the FHRS – [food.gov.uk/ratings](https://www.food.gov.uk/ratings).

12.3 File formats used for uploading FA data to the central database

Data must be extracted from the FA's Information Management System (IMS) to an Excel,¹ CSV or XML file.

The 'Data Standard' is set out below and lists the data that must be provided for establishments that are currently trading.²

¹ 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.

² 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.

FAs 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, but it can be included when running management reports.

12.4 FHRS 'Data Standard'

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

Data field name	Required format	Comment
Local authority ID	Alpha-numeric: usually three or four characters long	This ID is the same ID used for the Local Authority Enforcement Monitoring System (LAEMS). Supply of this data is not mandatory as these IDs will be stored within the system and log in details will indicate the FA to which the upload relates.
Local authority name	Text: 255 character limit	The name of the local authority. Supply of this data is not mandatory as the log in details will indicate the local authority to which the upload relates
Establishment ID	Alpha-numeric: 255 character limit	This is the premises ID/unique premises reference number. This is not published at food.gov.uk/ratings but must be supplied. All information about a particular establishment is contained in a single record (row). A given establishment ID value is unique to a single record in every data file.
Establishment name	Alpha-numeric: 255 character limit	The name of the business
Operator/Proprietor	Text: 255 character limit	The name of the food business operator - this will not be published at food.gov.uk/ratings . Supply of this data in not mandatory.
Establishment telephone number	Numeric :15 character limit	This will not be published at food.gov.uk/ratings . Supply of this data in not mandatory.
Establishment address line 1	Alpha-numeric: 255 character limit	No individual address line is mandatory but the supply of a valid address is, so at least one of the address lines must contain data and it is the responsibility of the local authority to ensure that a valid and recognisable address is supplied.
Establishment address line 2	Alpha-numeric: 255 character limit	
Establishment address line 3	Alpha-numeric: 255 character limit	
Establishment address line 4	Alpha-numeric: 255 character limit	
Establishment post code	Alpha-numeric: 9 character limit	This should be supplied unless the establishment does not have a post code

Data field name	Required format	Comment
Business type (category)	Text: 255 Character limit	If the FA 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.
Inspection date	UK date formats: dd/mm/yyyy dd/m/yy d.m.yy dd/mmm/yy dd-mm-yyyy dd mm yyyy dd.mm.yyyy	This is required for all establishments.
Scope	Alpha-numeric: 255 character limit	Identifier to indicate if the status of the establishment - 'excluded', 'included', 'exempt', or 'sensitive'. The IT system will allow local authorities to specify what is indicated by no value e.g. if those establishments 'excluded' from the FHRS do not have a 'scope' value, the mapping facility may be used to indicate that such establishments are 'excluded'.
Annex 5 score for level of compliance – food hygiene and safety procedures	Prescribed values: 0, 5, 10, 15, 20 or 25	A valid record must contain values in each of the three fields or none in any of them. Where values are included, the food hygiene rating will be calculated from these.
Annex 5 score for level of compliance – structure of the establishment	Prescribed values: 0, 5, 10, 15, 20 or 25	The absence of all three values will indicate that the establishment has not yet been rated under the FHRS. In such cases, 'awaiting inspection' will be displayed at food.gov.uk/ratings instead of a food hygiene rating.
Annex 5 score for CIM/control procedures	Prescribed values: 0, 5, 10, 20 or 30	
Annex 5 overall score	Numeric: three character limit	This is the overall intervention-rating score for the establishment. Supply of this data is not mandatory. This will not be published at food.gov.uk/ratings .
Revised food hygiene rating ³	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 mechanism. A value will be provided only in cases where the intervention rating was not also re-assessed.

³ The need for any changes to IMS software to accommodate this is being considered by the Local Authority IT Advisory group and information/good practice will be shared via the Group.

Data field name	Required format	Comment
Revised food hygiene rating date	UK date formats: dd/mm/yyyy dd/m/yy d.m.yy dd/mmm/yy dd-mm-yyyy dd mm yyyy dd.mm.yyyy	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.
Date informed of rating	UK date formats: dd/mm/yyyy dd/m/yy d.m.yy dd/mmm/yy dd-mm-yyyy dd mm yyyy dd.mm.yyyy	This relates to the transition arrangements that allow FAs to issue a 'new' rating to those establishments with a non- statutory rating. This will be the date on which the FBO of businesses that fall outside of the programme is notified of the 'new' rating. The date will trigger the appeal period

12.5 Information that will appear at food.gov.uk/ratings

Type of business ⁴	Status	What will be published?
Does not supply food direct to consumers. Examples include manufacturers, packers, transporters, importers & exporters, distributors.	'Excluded' until November 2014	Nothing.
Supplies food direct to consumers, is given a rating and there are no sensitivities in relation to publishing full address information. Examples include, supermarkets, restaurants, cafes, pubs (including wet pubs), hospitals, school, military establishments etc.	'Included'	<ul style="list-style-type: none"> • Business name and <u>full</u> address • LAEMS business category • Date of inspection OR date of revised food hygiene rating • Food hygiene rating OR revised food hygiene rating OR 'awaiting inspection' OR 'awaiting publication'
Supplies food direct to consumers, is given a rating but there are sensitivities in relation to publishing full address information as they operate or are registered at private addresses. Examples include, home caterers	'included and private' Note – FAs can manually indicate via the portal those establishments to	<ul style="list-style-type: none"> • Business name and <u>partial</u> address – local authority name and first part of postcode only • LAEMS business category • Date of inspection OR date of revised food hygiene rating

⁴ See [Section 1](#) on scope for further advice on this.

Type of business ⁴	Status	What will be published?
and mobile traders.	have the address suppressed	<ul style="list-style-type: none"> • Food hygiene rating OR revised food hygiene rating OR 'awaiting inspection' OR 'awaiting publication'
<p>Supplies food direct to consumers but is not rated on the basis that it is exempt in accordance with the 2013 Regulations. These are establishments where the sale of food is not the primary activity of the establishment; <u>and</u> the only food made available to consumers is food that is shelf stable at ambient temperature <u>and</u> wrapped or packaged before it is brought to the establishment and the wrapping or packaging remains sealed at all times before the food is supplied to consumers</p> <p>Examples include visitor centres selling biscuits, leisure centres with only vending machines selling drinks or low- risk foods, newsagents and chemist shops selling only pre-packed confectionery and/or health foods.</p>	'Exempt'	<ul style="list-style-type: none"> • Business name and <u>full</u> address • LAEMS business category • 'Exempt' in place of a food hygiene rating
<p>Supplies food direct to consumers but is not rated on the basis that it is exempt in accordance with the 2013 Regulations. These are establishments where the sale of food is not the primary activity of the establishment; <u>and</u> the only food made available to consumers is food that is shelf stable at ambient temperature <u>and</u> wrapped or packaged before it is brought to the establishment and the wrapping or packaging remains sealed at all times before the food is supplied to consumers, and there are sensitivities in relation to publishing full address information.</p>	'Exempt and private' Note – FAs can manually indicate via the portal those establishments to have the address suppressed	<ul style="list-style-type: none"> • Business name and <u>partial</u> address – local authority name and first part of postcode only • LAEMS business category • 'Exempt' in place of a food hygiene rating
Establishment used by childminders and adult placement	'Excluded'	Nothing.

Type of business ⁴	Status	What will be published?
<p>carers where the establishment is also used as a private dwelling. These establishments will continue to be subject to food hygiene requirements but are exempt to being rated.</p> <p>Examples include childminders and other establishments where caring services are being provided in the home environment</p>		

12.6 Frequency of uploading data

As a minimum, the FA must upload data once every 28 days. However, it is good practice for information to be uploaded more frequently - once every 13 days is recommended.

There is no maximum upload frequency.

12.7 Data validation

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

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

The upload will fail if any errors are detected such as only one or two Annex 5 scores rather than all three. It will also highlight where combinations of these scores might benefit from closer scrutiny as the combination of scores appears to be inconsistent.

12.8 How to correct errors

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

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

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

12.9 Publishing a rating at food.gov.uk/ratings

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

In other cases, a rating cannot be published until the FBO has had 21 days from the date of notification of the rating in which to appeal.⁵ The systems software will, therefore, suppress publication for a default period long enough to allow notification of the result and lodging of an appeal. The results of recent inspections can therefore be safely supplied to the portal. The software allows local authorities to force publication where appeals are dealt with earlier than the default period or to delay publication where there is for example, a delay in notifying a rating outcome.

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

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

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

SGŌR HYLENDID BWYD	FOOD HYGIENE RATING
I'W GYHOEDDI'N FUAN	AWAITING PUBLICATION

⁵ Where reference to numbers of 'days' are made in this Guidance it includes weekends and bank holidays.

12.10 FA information displayed on the FA's page at [food.gov.uk/ratings](https://www.food.gov.uk/ratings)

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

12.11 Receipt of 'right to reply' from a FBO

FBOs have a 'right to reply' in respect of the rating given and the FSA may publish this at [food.gov.uk/ratings](https://www.food.gov.uk/ratings). The 'right to reply' comments must be made in writing and submitted to the FA, a standard template form that FBOs may use to submit a 'right to reply' is available at and can be found on the FSA's webpages at:

<https://www.food.gov.uk/business-industry/caterers/hygieneratings/fhrsguideforbusiness>

There is no requirement for this form to be used, and a FBO is free to submit their comments in a different written format, clearly marked as their 'right to reply' comments.

Where a 'right to reply' is received from an FBO the FA should review the text before forwarding to the FSA to publish at [food.gov.uk/ratings](https://www.food.gov.uk/ratings). Any 'right to reply' that contains offensive, defamatory, clearly inaccurate or irrelevant remarks will not be published. In such cases the FBO will be advised that the text does not meet the purpose of the 'right to reply' and will be invited to revise their text.

The FA must also ensure that when a new rating is given and published at [food.gov.uk/ratings](https://www.food.gov.uk/ratings), the 'right to reply' relating to the previous rating is removed from the system.

Section 13: Consistency

13.1 Introduction

The Act makes it a requirement for FAs to review the operation of the FHRS in its area periodically with a view to ensuring that the rating criteria are assessed fairly and consistently.

Consistent implementation and operation of the FHRS is critical to ensuring that businesses are treated fairly and equitably, and to ensuring that consumers are able to make meaningful comparisons of hygiene ratings for establishments both within a single FA and across different FAs. FAs participating in the FHRS must operate in a consistent manner in order to achieve this.

Consistency should consider the application of this statutory guidance, which includes sections on the different elements of the FHRS.

FAs will need to undertake monitoring to ensure consistent application of the guidance and consistency in the way that interventions are undertaken (and in particular how the intervention-rating scheme at Annex 5 of the *Food Law Code of Practice* is applied). Monitoring should operate on three levels: within the FA; 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 FA's statutory duty to monitor compliance with, and enforcement of, food hygiene legislation. In addition, training requirements and participation in consistency exercises should be considered.

13.2 Ensuring consistency

Measures to ensure consistency include three main elements:

- application of this statutory guidance on the FHRS
- monitoring arrangements (consistency controls based on FA policies, procedures and documents that meet the requirements in the *Food Law Code of Practice*, *Framework Agreement on Food Law Enforcement* and other official guidance) – internal and external measures – and the actions to be taken to address identified inconsistencies; and
- training requirements and participation in consistency exercises.

13.3 The FSA's role in relation to implementation and operation of the FHRS

The Act requires the FSA to review the operation of the appeals process under the Act. The review must be carried out annually. Following each review the FSA must produce a report making any recommendations for change to the process, and a copy of the report must be sent to the Welsh Ministers.

In addition to reviewing the appeals process, the FSA must review the implementation and operation of the FHRS and produce a report for the Welsh Ministers after the first year following the introduction of the scheme, and then at three yearly intervals thereafter. Each report may include recommendations for change.

The Act also places a duty on FAs in relation to the evaluation of the scheme. Each FA must review the operation of the FHRS in its area periodically, and at the request of the FSA, for the purpose of assisting the FSA to evaluate the scheme.

The FSA and the WG will keep the statutory guidance under review, consider FA feedback and will revise and update it as necessary and appropriate.

13.4 FA monitoring of operation of the FHRS

As food hygiene ratings are a means of presenting intervention findings, the internal monitoring arrangements that FAs 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 arrangements for operation of the FHRS.

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

These monitoring arrangements should be detailed in the FA 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.

13.5 Key service activities in relation to operation of the FHRS

These include:

- officer competency;
- food business database management;
- carrying out inspections and other interventions;
- interpretation of the intervention-rating scheme at Annex 5 of the Food Law Code of Practice;
- maintenance of intervention records and correspondence;
- service monitoring and related record-keeping; and

- operation of FHRS safeguards – appeals, ‘right to reply’, and re-rating inspections.

13.6 FA Liaison

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 FAs and a forum for discussion and consideration of consistency issues. Any issues identified on a regional level should be shared through the Wales Food Hygiene Rating Scheme Steering group.

The Wales Food Hygiene Rating Scheme Steering Group is a liaison group specifically set up to discuss issues relating to the FHRS in Wales. The group consists of representatives from the three Food Safety regional groups, and includes representation from the Wales Food Safety Technical Panel. Also included on the group are representatives from the WG and FSA in Wales.

13.7 Businesses feedback on consistency of the FHRS

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 and WG will liaise with FAs 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 FAs.

13.8 Consumers feedback on consistency of the FHRS

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 and WG will liaise with FAs on any relevant issues raised by consumers as appropriate.

This does not preclude consumers from contacting their FA, or the relevant FA that rated the establishment.

13.9 FA feedback on consistency of the FHRS

FAs should continue to use existing mechanisms, including food liaison groups and the Wales Food Hygiene Rating Scheme Steering Group to discuss issues of interpretation and consistency.

Section 14: Publicity Materials

14.1 Introduction

The 2016 Regulations came into force on 28 November 2016 and require takeaway food businesses to publish a bilingual statement on certain hardcopy publicity materials directing customers to the food hygiene ratings website.

14.2 Scope of the 2016 Regulations

The 2016 Regulations apply to food establishments that supply takeaway food direct to consumers.

The statement must be included on certain printed publicity materials that promotes the takeaway food, includes a price of the food and a method of ordering the food without visiting the premises. The food may be delivered to the customer or collected later.

14.3 Statement

The following bilingual statement must be included on the publicity material:

“Ewch i food.gov.uk/ratings i ganfod sgôr hylendid bwyd ein busnes neu gofynnwch inni beth yw ein sgôr hylendid bwyd wrth archebu./ Go to food.gov.uk/ratings to find out the food hygiene rating of our business or ask us for our food hygiene rating when you order.”

The statement must be in the type size of at least 9 points as measured in font ‘Times New Roman’ not narrowed and with a space of at least 3mm between the text lines.

14.4 Images

The publicity material may also voluntarily include the image of the food hygiene rating. The rating shown must be a valid rating and in the form set out below:

The images must be at least 39mm (wide) x 27mm (tall) with bilingual Welsh/English text showing a rating from 0 to 5.

The artwork for the images can be found on the FSA website and are shown below:

<https://www.food.gov.uk/enforcement/enforcework/hygienscoresresources/food-hygiene-rating-scheme-in-wales-takeaway-businesses-0>



14.5 Display of the statement

The statement, and rating if shown, must be displayed in a conspicuous place on the materials, and if more than one premise is being promoted it must be clear to which business the rating relates.

14.6 Enforcement

It is anticipated that FAs will be able to resolve most breaches through constructive compliance dialogue with the FBO. Where resolution cannot be achieved easily or quickly, the Fixed Penalty Notice (FPN) powers allow the FA to adopt a graduated approach towards requiring the business to comply with the 2016 Regulations.

When an offence has occurred, the FA is encouraged to work with the food business to understand the reasons for any offence, and provide advice to the FBO to make it easier to comply, before pursuing formal enforcement action.

Each case must be judged on its individual merits, but the principle of providing valid food hygiene rating information to the public displayed in a conspicuous place on the publicity material, should apply.

Section 15: Enforcement

15.1 Introduction

The National Enforcement Priorities for regulatory services describe WG's priorities for local regulatory delivery. National enforcement priorities for Wales were published in April 2010 by the Local Better Regulation Office (LBRO). The priorities were prepared by the LBRO in conjunction with FAs, national regulators and professional and representative bodies.

FAs in Wales are under a statutory duty to have regard to national enforcement priorities when allocating resources to certain of their regulatory functions. Regulatory functions in connection with food hygiene ratings fall into that category. The national enforcement priorities for Wales are:

- Protecting individuals from harm and promoting health improvement.
- Ensuring the safety and quality of the food chain to minimise risk to human and animal health.
- Promoting a fair and just trading environment for citizens and business.
- Improving the local environment to positively influence quality of life and promote sustainability.

WG is keen for FAs and those carrying on a food business to work together to resolve issues voluntarily wherever possible. WG believes that education and guidance should be the first response and that formal enforcement proceedings should be taken only where informal approaches have failed.

It is anticipated that FAs will be able to resolve most breaches of the Act through constructive compliance dialogue with the FBO. Where resolution cannot be achieved easily or quickly, the Fixed Penalty Notice (FPN) powers allow the FA to adopt a graduated approach towards requiring the business to comply with its obligations under the Act and its accompanying Regulations.

Even when an offence has occurred, the FA should work with the food business to understand the reasons for any offence, and provide advice to the FBO to make it easier to comply with the Act in future, before it considers taking enforcement action.

Where a FBO is not complying but explains readily and openly why they are having difficulty complying, and such an explanation is reasonable, then the FA should work with the FBO where it can to help it comply, and not move to impose a FPN or prosecution. Where there is continuing non-compliance despite help from the FA and advice having been previously given to the FBO, the FA may move to impose a FPN upon the FBO.

Once the initial discussion has taken place, and any help or advice given, the FA should pro-actively monitor whether or not the FBO is now compliant with the requirements of the Act. If further monitoring or complaints are received that suggest that the FBO is continuing to breach the Act, then further action should be considered. In most cases, this is likely to be the imposition of a FPN, unless the FBO is able to provide a reasonable excuse, supported by evidence, as to why compliance is not possible.

Where the FA reasonably believes that there has been a deliberate or persistent failure to comply with a requirement of the Act, the authorised officer may deem it inappropriate to serve a FPN and could immediately institute legal proceedings instead.

15.2 Food Authorities

The Act imposes a duty on FAs in Wales to make arrangements to enforce the obligations imposed by the Act on food business establishments in their respective areas. The FAs currently responsible for enforcing the Act in Wales are:

- a County Council or County Borough Council; and
- a Port Health Authority, in the circumstances described by section 5(3) of the Food Safety Act 1990.

15.3 Authorised officers

FAs will need to appoint appropriate authorised officers to carry out duties to secure compliance with the Act. An 'authorised officer' means an officer authorised in writing by a FA for the purpose of exercising any of the authority's functions under the Act.

Existing officers, who are experienced in carrying out enforcement duties in relation to businesses, such as environmental health and trading standards officers, could carry out this work and could incorporate this work into their other inspection activities.

Officers will need to be authorised under the Act in accordance with their normal local authority procedures.

15.4 Inspection

Authorised officers may, on production of their written authority if demanded, enter at all reasonable hours a food business establishment for the purpose of enforcing the requirement to display food hygiene rating stickers. In the case of entry into any part of an establishment used only as a private dwelling 24 hours' notice of the intended entry must be given to the operator.

15.5 Fixed Penalty Notices

Section 21 of the Act gives authorised officers the discretion to issue penalty notices in respect of offences under section 9. Regulation 10 of the 2016 Regulations gives authorised officers the power to issue penalty notices for offences committed under regulation 5 of those Regulations. A FPN offers a person the opportunity to discharge any liability to conviction for the offence by payment of a fixed penalty. Enforcement officers may issue a FPN if they have reason to believe that a person has committed an offence under section 9 of the Act or regulation 5 of the 2016 Regulations.

The decision which FPNs to issue, or which charges to bring, in any given case is one for the FA (acting through its authorised officer). In reaching that decision, the officer must act reasonably in accordance with normal principles of public law and any relevant guidance, code of practice etc. Failure to act in accordance with those principles could be challenged by the FBO applying for judicial review or by opting for trial rather than accepting the FPNs.

The Schedule to the Act sets out the FPN procedure that applies. In summary a FPN must:

- give particulars of the circumstance alleged to constitute the offence;
- state the name and address of the authority on whose behalf the authorised officer was acting when the officer gave the notice;
- state the amount of the penalty and the period within which it must be paid;
- state the discounted amount and the period for which the discount applies;
- state the consequences of not paying the penalty within the period for payment;
- state the person to whom and the address at which payment may be paid;
- state the methods by which payment may be made;
- state the person to whom and the address at which any representations relating to the notice may be made.

A FPN must also inform the person to whom it is given of his or her right to be tried for the alleged offence, and explain how that right may be exercised.

The full amount of the fixed penalty as stipulated in the notice will be payable and must be paid within 28 days beginning with the day on which the notice is given. However, a discounted amount is payable instead of the full amount if payment is made before the end of the period of 14 days beginning with the day on which the notice is given. Payment is to be regarded as having been made at the time at which the letter would be delivered in the ordinary course of the post.

The amounts are currently as indicated below in relation to each of the offences:

Section 9 offences for which Fixed Penalty Notice may be issued	Full amount	Discounted amount
<p>An operator of a food business establishment commits an offence if, without reasonable excuse, the operator—</p> <ul style="list-style-type: none"> • fails to display a valid food hygiene rating sticker in the location and manner prescribed; • displays an invalid food hygiene rating sticker; • fails to retain a valid food hygiene rating sticker; • parts with possession of a food hygiene rating sticker to any person other than an authorised officer of a food authority; 	£200	£150
<p>An operator of a food business establishment is also guilty of an offence if, without reasonable excuse—</p> <ul style="list-style-type: none"> • a person’s request to be informed verbally of the establishment’s food hygiene rating is denied; or • a person making such a request is given false or misleading information about the establishment’s food hygiene rating. 	£200	£150
<p>A person commits an offence if that person—</p> <ul style="list-style-type: none"> • intentionally alters, defaces or otherwise tampers with a food hygiene rating sticker, and • does so otherwise than for the purpose of removing it from display, or destroying it, in accordance with section 7(6). 	£200	£150
Regulation 5 offences for which Fixed Penalty Notice may be issued	Full amount	Discounted amount
<p>An operator of a food business establishment commits an offence if, without reasonable excuse, the operator –</p> <ul style="list-style-type: none"> • fails to ensure that its publicity materials display, in a conspicuous place and in compliance with the type size requirements, the statement <p>“Ewch i food.gov.uk/ratings i ganfod sgôr hylendid bwyd ein busnes neu gofynnwch inni beth yw ein sgôr hylendid bwyd wrth archebu. / Go to food.gov.uk/ratings to find out the food hygiene rating of our business or ask us for our food hygiene rating when you order”.</p>	£200	£150
<p>Where an operator chooses to display a food hygiene rating on its publicity materials</p> <ul style="list-style-type: none"> • fails to display a valid rating; position the rating in a conspicuous place on the publicity materials so it can be easily seen by consumers; display the rating in such a way that makes it clear to which establishment it relates to if publicity materials promote the takeaway food of more than one establishment; and comply with the requirements set out in Schedule 1 to the 2016 Regulations. 	£200	£150

Should a person who has received a FPN fail to pay the fixed penalty by the end of the 28 day period then the FA may issue proceedings against that person for the offence to which the penalty notice related. Proceedings for the offence may not be brought before the end of that period for payment of the penalty. If the penalty (or discounted amount as appropriate) is paid in accordance with the penalty notice before the end of the relevant payment period, no proceedings may be brought against that person for the offence to which the penalty notice related.

The recipient of the penalty notice may ask to be tried for the alleged offence. Such a request to be tried must be made by the recipient to the FA before the end of the period for payment of the penalty, and in the manner specified by the FA in the penalty notice. Proceedings may not be instituted by the FA before the end of the period specified in the penalty notice. There is no right of appeal against the issue of a penalty notice, other than the right to ask to be tried for the alleged offence. However, if a FA considers that a penalty notice issued by an authorised officer ought not to have been given; it may give notice to the recipient of the notice withdrawing the penalty notices. In doing so, the authority must repay any amount which has been paid by way of penalty, and proceedings may not be brought or continued against the recipient of the notice for the offence in question.

15.6 Multiple Offences

Depending on the facts of the case, an FBO could theoretically be issued with multiple FPNs, or charged for multiple offences under section 9 of the Act. For example, if a FBO was given a new sticker showing a lower rating than that shown on the previous sticker, the FBO could choose to leave the old sticker on display, rather than display the new one. In such a case, an offence would be committed under section 9(a) (failure to display a valid sticker) and section 9(b) (displaying an invalid sticker). If the FBO threw the sticker away, an offence would also be committed under section 9(c) (failure to retain a valid food hygiene rating sticker). Nonetheless, common sense, fairness and good practice, alongside the common law principle against 'duplicitous' would indicate that a FBO should not be charged for more than one offence where the facts of the offence are identical and the 'mischief' that the offence is aimed at is the same. The decision on whether charges are duplicitous would ultimately be one for the court.

In some cases, a FBO could be issued with multiple FPNs, or charged for multiple offences under section 9 of the Act without breaching the rule against duplicity. This is because the facts of each offence and the associated 'mischief' are different. The decision which FPNs to issue, or which charges to bring, in any given case is one for the FA (acting through its authorised officer). In reaching that decision, the officer must act reasonably in accordance with normal principles of public law and must have regard to their own enforcement policy.

15.7 Enforcement within local authority run establishments

The FA should have a policy in place which details arrangements for ensuring compliance in establishments where the FA itself is the FBO, and that the steps taken to ensure enforcement decisions are free from any conflict of interest. Any serious breaches should be brought to the attention of the Chief Executive, without delay.

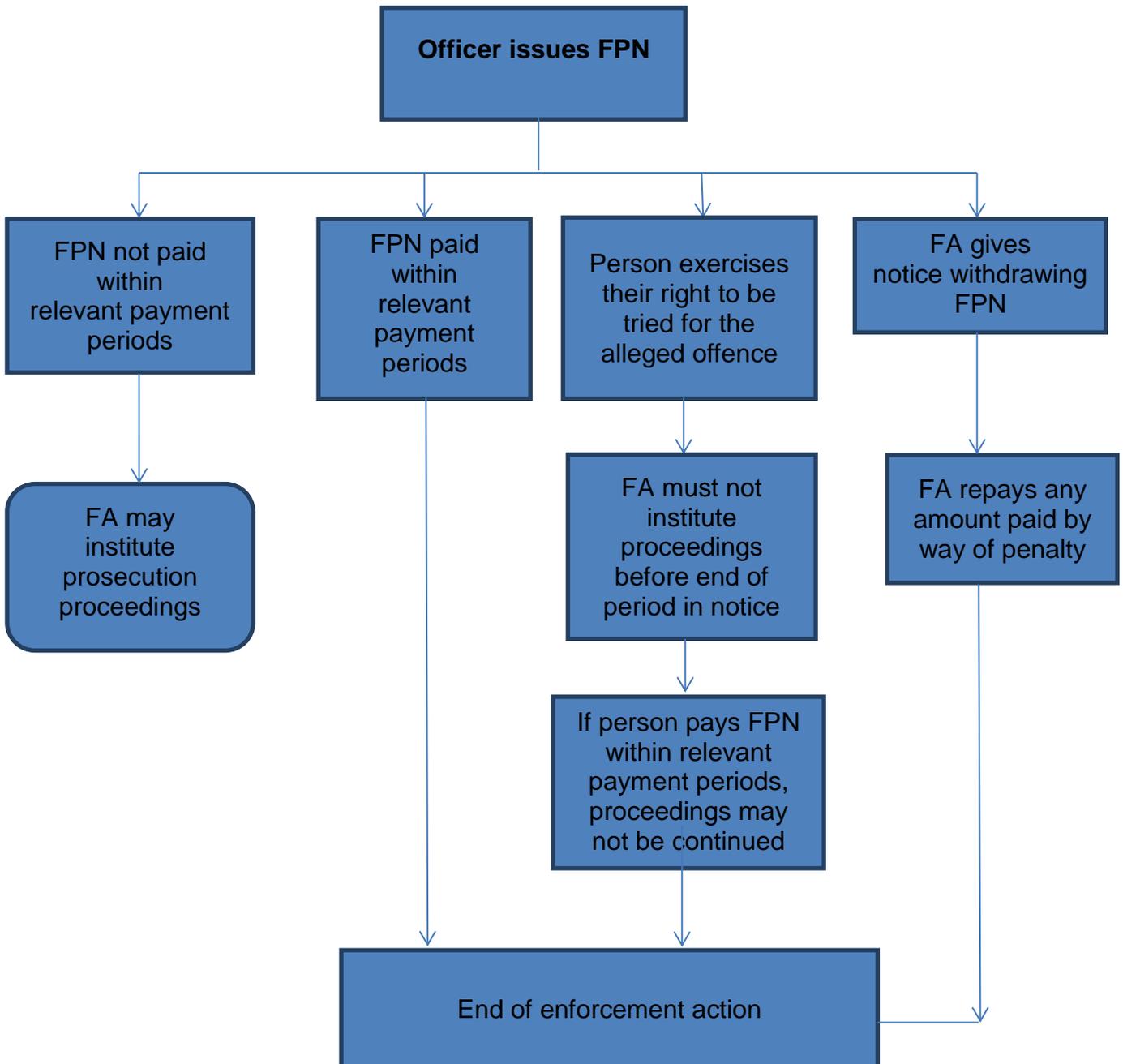
15.8 The Regulators' Compliance Code

The Regulators' Compliance Code was first published in 2008 in accordance with section 23 of the Legislative and Regulatory Reform Act 2006. It is a statutory code of practice which governs approaches to enforcement, building on the principles of good regulation. The Code requires regulators to consider how they might support economic growth, to take a risk-based approach to enforcement, to provide advice and guidance to assist businesses and other regulated bodies in understanding their responsibilities and to take proportionate enforcement decisions. In Wales, the Code applies to certain regulatory functions exercised by Welsh local authorities relating to reserved UK matters and to specific UK national regulators which operate in Wales.

The UK Government published a revised Regulators' Code in July 2013 following a consultation. As part of the consultation exercise, soundings have been taken on appetite to extend the Code in Wales so it applies on a similar basis to that in England. The UK Government will work closely with WG colleagues to review and assess the applicability of the Code in Wales.

15.9 Flowchart summarising the FPN process

Authorised officer has reason to believe offence under section 9 Food Hygiene Rating (Wales) Act 2013 and Reg 5 of 2016 Regs has been committed, and exercises discretion to deal with the offence by issuing a Fixed Penalty Notice to the operator of a food business establishment or person concerned.



15.10 Further Offences

When inspections and investigations of food businesses are taking place, it is expected that the majority of FBOs will cooperate with the authorised officer. However, where the authorised officer is prevented through obstructive activity from fulfilling the necessary tasks to complete the inspection or investigation, the person causing this obstruction commits an offence under the Act, unless they have a reasonable excuse for their behaviour. There is no specific definition of 'reasonable excuse', and what is reasonable may vary from person to person and depend on the particular circumstances of a case.

The Act also identifies that the offence can be committed by a 'body corporate'. This is an organisation or group of persons that is identified by a particular name and that acts, or may act, as a recognised entity or legal person. This includes companies, associations, institutions, non-profit enterprises and public bodies. Under the Act, senior officials of companies and organisations, such as directors, company secretaries and senior managers of the body corporate, can be held accountable where an offence by the body corporate has been proven. This applies where it can be shown that the offence has been committed with their consent, connivance or neglect.