

# Implementation and operation of the statutory Food Hygiene Rating Scheme in Northern Ireland. Guidance for district councils



October 2016

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## Abbreviations

The following acronyms/abbreviations are used in this document.

The Act	The Food Hygiene Rating Act (Northern Ireland) 2016
CIM	Confidence in management/control procedures
DC	District Council
FHRS	Food Hygiene Rating Scheme- The scheme made under the Food Hygiene Rating Act (Northern Ireland) 2016
FSA	Food Standards Agency
FPN	Fixed Penalty Notice
HACCP	Hazard Analysis Critical Control Points
IMS	Information management system
LAEMS	Local Authority Enforcement Monitoring System
Operator	The person concerned with the management of the establishment, Operator has the same meaning as Food Business Operator as defined section 2 Food Hygiene Rating Act (Northern Ireland) 2016
Regulations	The Food Hygiene Rating (Northern Ireland) Regulations 2016
SFBB	Safer food better business

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## Introduction

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### **Status and purpose of the Guidance**

This Guidance has been issued by the Food Standards Agency to ensure the successful implementation and consistent application of the statutory scheme.

Section 15 of the Food Hygiene Rating Act (Northern Ireland) 2016 requires district councils to have regard to this Guidance when exercising their functions under the Act.

This Guidance has been developed by the Food Standards Agency in association with the Northern Ireland Food Hygiene Rating Scheme Implementation Group on which all district councils are represented.

This Guidance should be read in conjunction with the Food Hygiene Rating Act (Northern Ireland) 2016 and regulations made there under.

### **Background**

The non-statutory Food Hygiene Rating Scheme (“the FSA Scheme”) was introduced nationally by the Food Standards Agency (FSA) in partnership with local authorities across Northern Ireland, Wales and England. There is a scheme with similar aims operating in Scotland - the Food Hygiene Information Scheme. The FSA Scheme was launched in Northern Ireland in 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.

As the FSA Scheme is a non-statutory scheme, its implementation by district councils (DCs) as well as the display of stickers at establishments by Food Business Operators (FBOs) is voluntary.

On 29 January 2016 the Food Hygiene Rating Act (Northern Ireland) 2016 received Royal Assent. The Act introduces a new statutory food hygiene rating scheme (“the FHRS”) in Northern Ireland.

In order to fully implement the Act, the Department of Health (‘the Department’) has made associated Food Hygiene Rating Regulations and Orders. The main provisions of the Act, Regulations and the Orders came into force on 7 October 2016. Amongst other things, the Act and the Regulations make the implementation of the FHRS by DCs, and the display of food hygiene ratings by businesses mandatory.

### **The Statutory Food Hygiene Rating Scheme (FHRS)**

The Act applies in Northern Ireland and is implemented and enforced by DCs in Northern Ireland.

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 hygiene 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 are published online at [food.gov.uk/ratings](http://food.gov.uk/ratings). Food business Operators are required to display sticker(s) showing their rating at their establishment in a position where it can be readily seen and easily read by customers. The FHRS incorporates safeguards to ensure fairness to businesses. These include an appeal procedure, a 'right of reply,' for publication together with the food hygiene rating at [food.gov.uk/ratings](http://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.

## **Evaluation and Review of the FHRS**

The Act places a duty on each DC to review the operation of the FHRS in its district and to provide the FSA with information it may request.

The FSA is also required to review the implementation and operation of the FHRS and to produce a report for the Department within the first three years of the commencement of the main provisions of the Act. The FSA may carry out subsequent reviews of the operation of the Act throughout Northern Ireland as and when it considers appropriate. Each time such a review is conducted a report must be sent to the Department.

The initial review must assess the adequacy of any time scales detailed in the Act and whether the appeals process and request for re-rating process are operating satisfactorily. Particular focus will be placed on the numbers of requests for re-rating to assess if a limit on such requests is required.

## **Review and revision of the Guidance**

The FSA will keep this Guidance under review and will revise and update it as necessary and appropriate.

## Further information

For further advice or information please get in touch with the FSA in Northern Ireland – contact details are provided below

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## **Section 1: Transition - Food hygiene ratings for establishments assessed prior to the commencement of the Act**

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### **1.1 Introduction**

Regulation 3 of the Food Hygiene Rating (Commencement and Transitional Provisions) Order (Northern Ireland) 2016 allows for DCs to give a statutory FHRs rating to those establishments with a non-statutory rating, given prior to commencement of the Act. The main provisions of the Act, the Regulations and Orders, came into force on 7 October 2016, with the transition period running until 6 October 2017.

Transition arrangements will apply to those establishments that are within the scope of the statutory FHRs scheme and have received a food hygiene rating under the non-statutory scheme. They do not apply to those establishments that are within the scope of the non-statutory scheme but have not received a rating. They also do not apply to those establishments that are outside the scope of the statutory FHRs and may have “opted in” under the non-statutory scheme.

Where a DC avails of the transition provisions, it must notify the establishment’s Operator of its food hygiene rating under the statutory scheme within 14 days from the date of the decision to transfer the establishment’s rating. Upon notification of the establishment’s rating under the statutory scheme, the FBO can avail of the subsequent safeguards: appeal; right of reply; and request for a re-rating.

### **1.2 Establishments that are within the scope of the non-statutory scheme but have not received a rating**

These types of establishment will generally be low risk establishments and should be given a statutory FHRs rating at the time of their next inspection. The transition arrangements do not apply to these establishments, and their next inspection and notification of rating must be within 12 months from the commencement of the main provisions of the Act i.e. by 6<sup>th</sup> October 2017.

### **1.3 Establishments outside the scope of the “statutory” FHRs scheme**

These are establishments that do not fall within the scope of the statutory FHRs but will have a rating under the non-statutory scheme. These establishments may have “opted in” to the non-statutory scheme. These establishments should not be given a statutory FHRs rating. FBOs should be advised that they should remove any stickers issued under the non-statutory scheme in order to avoid misleading the public, as the non-statutory scheme will no longer apply in Northern Ireland.

DCs will need to consider how best to advise these businesses that they fall outside the scope of the statutory FHRS, and will therefore not receive a rating.

For further information on the scope of the statutory FHRS see section 2 of this guidance.

#### **1.4 Migration of Establishments assessed prior to the commencement of the Act**

DCs have the option to migrate the food hygiene ratings of establishments that have previously been given under the non-statutory scheme, into the statutory scheme.

These establishments will receive a statutory FHRS rating based on the assessment that was used to calculate the non-statutory rating (the findings of the last inspection). The rating will be based on the rating criteria in the Food Hygiene Intervention Rating Scheme set out in The Food Law Code of Practice (Northern Ireland)<sup>1</sup> in accordance with section 4 of this Guidance.

Once a business has received notification of its statutory FHRS rating the statutory safeguards will be available to the Operator. The Operator will have the right to appeal, the right of reply and the right to request a re-rating. For further information on these safeguards please see sections 7, 8 and 9 of this Guidance.

Once notified of the statutory FHRS rating the Operator of the business will also have certain obligations. These will include displaying the sticker(s) provided by the DC and ensuring relevant employees are made aware of the establishment's food hygiene rating. The Operator and any relevant employees must be able to verbally inform persons of the statutory FHRS rating if asked. For further information on these obligations see sections 10 and 11 of this Guidance.

The rating issued under the non-statutory scheme will continue to be displayed on the FSA website ([food.gov.uk/ratings](http://food.gov.uk/ratings)) until the statutory FHRS rating has been notified and the statutory appeal period following notification has elapsed (21 days). If an appeal is submitted an 'Awaiting Publication' image will be displayed on the FSA website until the appeal is determined.

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<sup>1</sup> <https://www.food.gov.uk/northern-ireland/niregulation/niguidancenotes/copni>

## **1.5 IT arrangements for establishments that fall outside of the programme**

To implement the transition requirements on the FSA website, and to update the business information, DCs will need to supply the date on which businesses are notified of their statutory FHRS rating. This information will need to be supplied in an additional field, “Date informed of rating”, via the DC upload. The facility to enter the date manually will be made available if uploading the information is not possible. DCs will continue to use the same details as were used under the non-statutory scheme in order to link to the national IT platform. Detailed IT User Documentation is available at:

<http://www.food.gov.uk/sites/default/files/multimedia/pdfs/enforcement/fhrs-it-system-guidance.pdf>

## **1.6 Requests for re-rating received prior to commencement of the Act**

This applies to businesses that received a rating under the non-statutory scheme, and the FBO has made a request for a re-rating. The FBO will have provided evidence that the necessary improvements have been made, but the re-rating visit was not carried out before commencement of the Act.

In this situation a re-rating visit should be carried out in accordance with the requirements of the non-statutory scheme, under which the rating was issued. Under the non-statutory scheme the re-rating visit would not usually take place within three months of the inspection at which the non-statutory food hygiene rating was given (the “stand still” period). Under the non-statutory scheme the re-rating was carried out within three months of the end of the “stand still” period, or within three months if the request was made after the “stand still” period, this meant that the longest time the business would wait for a re-rating was six months. A DC could, however, in certain cases where structural improvements, repairs or upgrading of equipment is required, choose to carry out the re-rating visit within the “stand still” period, if it was appropriate to do so. A statutory FHRS rating, under the Act, should be given following the re-rating inspection. DCs should not charge the Operator for the re-rating visit.

Once a business has received notification of its statutory FHRS rating the statutory safeguards will be available to the Operator. The Operator will have the right to appeal, the right of reply and the right to request a re-rating. For further information on these safeguards please see sections 7, 8 and 9 of this Guidance.

Once notified of the statutory FHRS rating the Operator of the business will also have certain obligations. These will include displaying the sticker provided by the DC and verbally informing of the statutory FHRS rating if asked. For further information on these obligations see sections 10 and 11 of this Guidance.

## **1.7 Appeals received prior to commencement of the Act**

This applies to businesses that received a rating under the non-statutory scheme, and the Operator has made an appeal. The Operator will have made an appeal in writing, but the determination of the appeal will not have taken place before the commencement of the Act.

In this situation the appeal should be carried out in accordance with the requirements of the non-statutory scheme, under which the rating was issued. Under the non-statutory scheme the appeal should be determined within seven days. A statutory FHRS rating, issued under the Act, should be given following the determination of the appeal.

Once a business has received notification of an appeal determination and its statutory FHRS rating, the Operator will have the right of reply and the right to request a re-rating. For further information on these safeguards please see sections 8 and 9 of this Guidance.

Once notified of the statutory FHRS rating the Operator of the business will also have certain obligations. These will include displaying the sticker provided by the DC and verbally informing of the statutory FHRS rating if asked. For further information on these obligations see sections 10 and 11 of this Guidance.

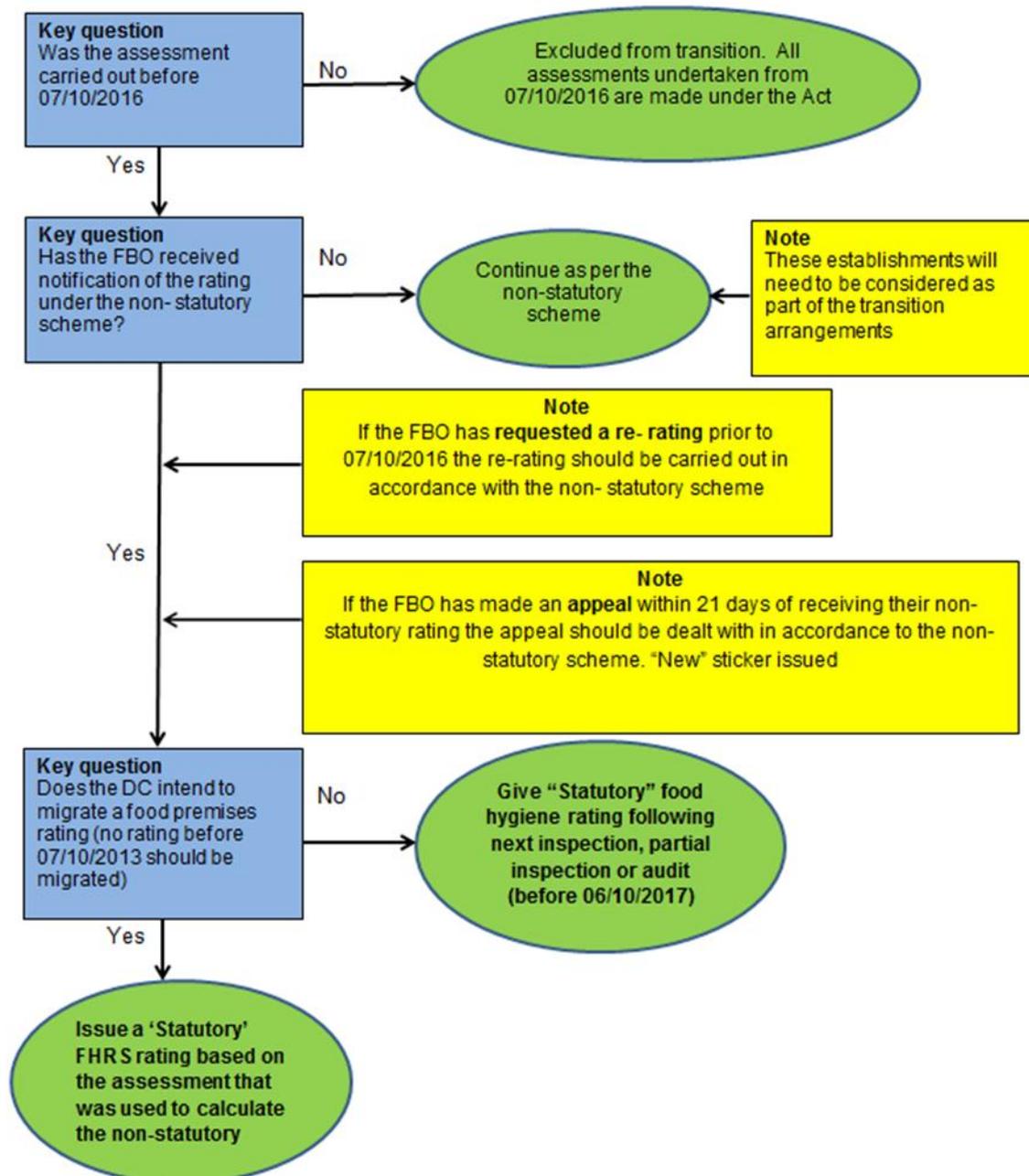
## **1.8 Display requirements during transition**

During the transition period the Operator is not required to display the rating sticker that was issued under the non-statutory scheme. Once notified of the statutory FHRS rating the Operator will be required to display the sticker(s) provided by the DC. This requirement is applicable 21 days from the date that notification was received (the time limit for appeal), or if an appeal is lodged, after receiving notification of the outcome. However, the Operator may decide not to make an appeal and could therefore choose to display the statutory FHRS sticker before the 21 day period has elapsed. Once the statutory FHRS sticker is being displayed by the Operator, any stickers or certificates issued under the non-statutory scheme should be removed from display in order to avoid misleading the public.

Any rating issued under the non-statutory scheme will not be displayed on the FSA website ([food.gov.uk/ratings](http://food.gov.uk/ratings)) if it was subject to appeal, an 'Awaiting Publication' image will be displayed instead. Once a statutory FHRS rating is issued and the appeal period following notification has elapsed (21 days) the rating will be displayed on the FSA website. If an appeal is submitted an 'Awaiting Publication' image will be displayed until the appeal is determined.

## 1.9 Decision tree for transition

The transition arrangements apply only to those businesses that have received a rating under the non-statutory scheme



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## Section 2: Scope

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### 2.1 Introduction

The scope extends to all food establishments required to be registered with a DC in Northern Ireland, or required to be approved by a DC in Northern Ireland, in accordance with Regulations (EC) 852/2004<sup>2</sup> or 853/2004<sup>3</sup>, that are supplying food direct to consumers, provided that they are not exempt under regulation 3 of the Food Hygiene Rating (Northern Ireland) Regulations 2016. This includes restaurants, cafes, takeaways, sandwich shops and other places where people eat food prepared outside of the home, as well as food retailers.

### 2.2 Exemptions

Regulation 3 of the Food Hygiene Rating Regulations (Northern Ireland) 2016 details the categories of establishments that are exempt from being rated. These include:

- an establishment where the sale of food is not the primary activity of the establishment; and where 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.

- off licences where 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;
- 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 the establishment is also used as a private dwelling. These

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<sup>2</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:139:0001:0054:en:PDF>

<sup>3</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:139:0055:0205:en:PDF>

establishments will continue to be subject to food hygiene requirements but are exempt from being rated.

The exemption does not cover home caterers, who are included in the scope.

The decision tree at point 3.1 below may also assist DCs with scope and exemption issues.

If a business meets the exemption criteria there is no provision to allow the business to “opt in” to the scheme. Exempt businesses will continue to be subject to food hygiene requirements but are exempt from being rated.

DCs will need to determine if their information management system needs to be amended to reflect establishments within scope of the Act.

### **2.3 Mobile traders**

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

It is the responsibility of the registering authority to determine the food hygiene ratings of these establishments and publish them at [food.gov.uk/ratings](http://food.gov.uk/ratings), to deal with appeals against ratings, to deal with requests for re-rating inspections and to deal with requests to publish a ‘right of reply’. There will be a need for DCs 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 inspecting authorities in determining the rating.

Where a mobile trader operates outside the area in which it is registered and any intervention is undertaken, it is important that the inspecting authority liaises with the registering authority. This will help to avoid duplication of interventions and ensure that the trader does not have more than one food hygiene rating.

The inspecting authority should send the registering authority a copy of any documentation such as the post inspection report at the same time as this is sent to the Operator. If the Operator is provided with documentation at the time of intervention, a copy should be forwarded to the registering authority as soon as possible afterwards.

A template letter is provided at Appendix 4 which covers the general information that should be provided. The detailed intervention findings should be included in the inspection report and a copy should be enclosed with the transfer of information.

## **2.4 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 can be taken into account:

- Is the business registered or approved by the DC?
- Is the business exempt from registration?

The FHRIS is not intended to change which entities should be registered or approved as a food business. When dealing with such establishments DCs should refer to the 'Community and charity food provision' guidance document produced by the FSA<sup>4</sup> on the application of EU food hygiene law.

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.

## **2.5 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. Where 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.

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 Operator, separate ratings should be given.

## **2.6 Armed Forces, Police and Crown establishments**

Armed Forces, Police and Crown establishments are subject to the requirements of food hygiene legislation are registered and inspected in accordance with the *Food Law Code of Practice (Northern Ireland)*. 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 scheme, and should therefore be given a rating unless they meet the criteria making them exempt.

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<sup>4</sup> <https://www.food.gov.uk/enforcement/enforcework/food-law/guidance-enforcement/community-hall-guidance>

## **2.7 Ships and vessels**

If a vessel is registered as a food business by a DC in Northern Ireland it should be rated unless it meets the criteria making it exempt.

## **2.8 Trains & Coaches**

Train and coach operating companies that are food businesses should register with their relevant DC. Usually this is the DC within whose area company policy and management decisions on food safety are made.

The DC with responsibility for the main establishment should, at the time of intervention, also include 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 intervention rating, and hence the food hygiene rating, should reflect the standards within the main establishment and the representative trains and coaches.

## **2.9 Businesses with Internet Sales**

Businesses that supply food directly to the consumer, whether or not consumers actually visit the premises, fall within the scope of FHRS. These businesses should be rated (where the DC can properly apply the intervention rating scheme) unless it meets the criteria making it exempt.

## **2.10 Where legal action is in progress or is being considered**

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

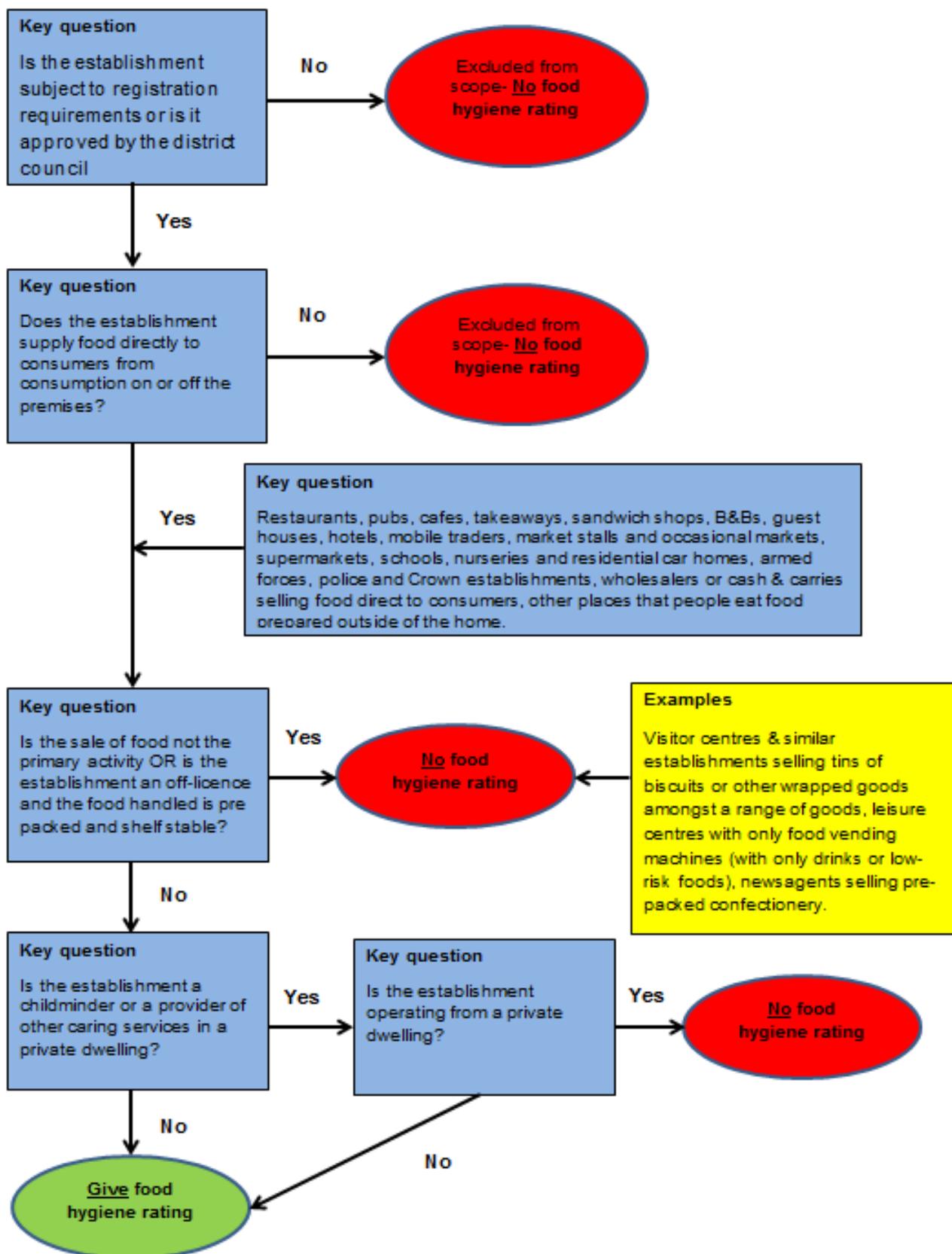
- if the establishment has been closed because of an imminent risk to public health, either through formal action or voluntarily, it should not be rated whilst it remains closed, i.e. is not trading; and no information about the business should be published. If and when the establishment re-opens, it must have a rating - generally, the rating should be based on the most recent inspection, partial inspection or audit undertaken.
- if the establishment is still trading and still supplying food, it should receive a rating which should be published at [food.gov.uk/ratings](http://food.gov.uk/ratings).

In both of the above situations the rating should be determined by the information gathered from the most recent inspection. If an establishment has been closed the most recent inspection, partial inspection or audit should be that which has resulted

in the establishment being reopened. In terms of the score for confidence in management/control procedures, it is important that this is based on the inspecting officer's professional judgement with due regard to the food hygiene intervention rating scheme set out in the Food Law Code of practice and the decision made is justified and documented. The conditions that resulted in the closure of the establishment should be considered in the score for confidence in management/control procedures when issuing a score 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.

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



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## Section 3: New Food Businesses

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### 3.1 Introduction

The Food Hygiene Rating Regulations (NI) 2016 require that DCs must send certain information to the Operator of a new food business relating to the FHRS.

### 3.2 Information that must be sent to the Operator of a new food business

The following information must be sent to the Operator of a new food business within 14 days of the business registering with the DC, 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 Operators rights:
  - to appeal the rating
  - to request a re-rating
  - to comment on a rating (“right of reply”)
- how to obtain further information relating to the FHRS.

### 3.3 When should new establishments be rated?

The *Food Law Code of Practice (Northern Ireland)*<sup>5</sup> 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 DC 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. In cases of a change in Operator, the establishment should be re-registered and treated as new, and a new food hygiene rating should be given at the first inspection. The food hygiene rating for the previous Operator will cease to be “valid” and the new Operator should be advised to remove any stickers relating to it from display.

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<sup>5</sup> <https://www.food.gov.uk/northern-ireland/niregulation/niguidancenotes/copni>

## Section 4: Preparation of ratings and scoring using the food hygiene intervention rating scheme set out in the Food Law Code of Practice (Northern Ireland)

### 4.1 Introduction

The basis for the FHRS is the programme of interventions DCs implement in order to comply with official control requirements set out in Regulation (EC) 882/2004<sup>6</sup>. When preparing this programme DCs must have regard to the 'food hygiene intervention rating scheme' set out in the Food Law Code of Practice (Northern Ireland). As establishments can only be given an intervention rating at an inspection, partial inspection or audit, it follows that a food hygiene rating may only be given following this type of intervention. The exception is where a re-assessment of the food hygiene rating is requested by the Operator and this is covered in section 9. No rating can be based or changed on the basis of self-assessment by the Operators, e.g. by questionnaire.

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

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

The table below sets out the Food Law 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. It is not necessary for a business to meet every descriptor against a score for the score to be appropriate. The descriptions are provided to illustrate and complement the Code of Practice guidance and **not** to supplement it or replace it and the final determination of scores must always be in accord with the Code of Practice guidance on scoring. The 'at a glance' chart summarises these standards.

It should be noted that food hygiene legislation and Chapter 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

<sup>6</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:165:0001:0141:EN:PDF>

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 (EC) 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. Where it is appropriate for food hazards to be controlled through the implementation of pre-requisite requirements (rather than by a hygiene management compliance model e.g. the Safe Catering Guide or Safer Food Better Business pack) businesses should be assessed as compliant and scored accordingly. The Food Law Code of Practice guidance on scoring was drawn up in such a way that the measures that some businesses have put in place that are over and above the legal obligations are recognised – such businesses receive the lowest scores and, therefore, are subject to less frequent interventions. These measures which are apparent at scores of '0' are highlighted in ***bold italicised red text***. It should be noted that an establishment can achieve a top food hygiene rating by scoring '5' for each of the three elements used for the FHS.

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

It is also important to note that the Food Law Code of Practice states that the confidence in management/control procedures assessment is not meant to reconsider specific issues taken into account in assessment of compliance with food hygiene and safety procedures and structural requirements. It does, however, require a judgement on the likelihood of satisfactory compliance being maintained in the future. One of the factors to be taken into account includes satisfactory HACCP based procedures and they cannot be termed 'satisfactory' (in terms of maintaining compliance) if they are not being properly implemented, thus the CIM 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 Food Law Code of Practice.

In considering confidence in management, '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 general assessment of hygiene procedures during an inspection should include consideration of the control of cross-contamination, including any allergen-related contamination identified in preparing food specifically for consumers with a food

allergy or intolerance. These controls should be part of a business's food safety management system and should be taken into account when giving the confidence in management score. Such consideration should not be the overriding factor but rather should contribute to the overall assessment of confidence in management.

## **4.2 Primary Authority**

Where there is a Primary Authority Agreement, DCs should have regard to the general principles of the primary authority scheme in accordance with DC Environmental Health Departments, Local Better Regulation Office and Department of Enterprise, Trade and Investment 'Statement of Intent'.

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

The DC's 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 district council considers that the existing rating is no longer relevant, and when it considers it appropriate to do so, the establishment should be re-rated. The new rating should be based on an inspection, partial inspection or audit. It should be notified to the Operator and published in the usual way.

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

If the establishment ceases trading, or changes ownership, its rating will cease to be valid. It should not be given a new rating whilst it remains closed, and no information about the business should be published. If and when the establishment re-opens (and where appropriate, registers or applies for approval with the DC) it may be inspected and given a new rating.

#### 4.4 Description of Standards

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

#### Description of Food Hygiene and Safety Procedures

##### Code of Practice - General guidance

The score should reflect compliance observed during the inspection according to the specific guidance for each score.

In circumstances where the failure to comply involves both elements of the establishment’s structure and procedures, this non-compliance should be reflected in the scores awarded for both ‘hygiene’ and ‘structural’ factors.

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

<b>Level of (current) compliance with food hygiene and safety procedures</b>	
<b>Score</b>	<b>Guidance/Description</b>
<b>20</b>	<p><b>Code of Practice - Specific guidance on score of 20</b>            General failure to satisfy statutory obligations – standards generally low.</p> <p><b>Description of what 20 might be expected to look like in practice</b>            Evidence of major and widespread non-compliance with legal requirements in relation to food hygiene and safety procedures.            Widespread and significant risks.            Follow-up action by the DC in accordance with its enforcement policy using a graduated approach but likely to include commencement of formal enforcement action, including consideration of prohibition procedures where control measures required to prevent cross-contamination are not in place and re-visiting the establishment to secure compliance.            Follow-up action identified for food business Operator – to address all identified non-compliances as a matter of urgency within stipulated timescale.            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 (e.g. inadequate cooking times).            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>

<b>Level of (current) compliance with food hygiene and safety procedures</b>	
<b>Score</b>	<b>Guidance/Description</b>
<b>15</b>	<p><b>Code of Practice - Specific guidance on score of 15</b> Some major non-compliance with statutory obligations – more effort required to prevent fall in standards.</p> <p><b>Description of what 15 might be expected to look like in practice</b> Evidence of some major non-compliance with legal requirements in relation to food hygiene and safety procedures. Some significant risks. Follow-up action by the DC in accordance with its enforcement policy using a graduated approach but likely to include a warning letter, and consideration of formal enforcement, including prohibition procedures where control measures required to prevent cross-contamination are not in place, and re-visiting the establishment to secure compliance. Follow-up action identified for food business Operator – to address all identified non-compliances within stipulated timescale. 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. Some major non-compliance with requirements for safe food preparation, cooking, re-heating, cooling or storage of food identified. 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><b>Code of Practice - Specific guidance on score of 10</b></p> <p>Some non-compliance with statutory obligations and <i>industry codes of recommended practice</i>. Standards are being maintained or improved.</p> <p><b>Description of what 10 might be expected to look like in practice</b></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. 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 DC 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><b>Code of Practice - Specific guidance on score of 5</b>  High standard of compliance with statutory obligations, <i>industry codes of recommended practice</i> and minor contraventions of food hygiene regulations.</p> <p><b>Description of what 5 might be expected to look like in practice</b>  Evidence of very good compliance with legal requirements, with only some minor non-compliances that are not critical to food safety.  No follow-up action by DC apart from report of inspection provided to food business Operator. No re-visit necessary before next planned intervention.  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.  Only minor lapses in food hygiene and safety procedures (e.g. some protective clothing not very clean and needs cleaning).  All necessary control measures in place to prevent cross-contamination. Safe food preparation, cooking, re-heating, cooling and storage of food demonstrated.  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><b>Code of Practice - Specific guidance on score of 0</b></p> <p><b><i>High standard of compliance with</i></b> statutory obligations and <b><i>industry codes of recommended practice; conforms to accepted good practices in the trade.</i></b></p> <p><b>Description of what 0 might be expected to look like in practice</b></p> <p>Evidence of meeting legal requirements <b><i>or exceeding legal requirements.</i></b></p> <p>No follow-up action by DC apart from report of inspection provided to food business Operator. No re-visit necessary before next planned intervention.</p> <p>No follow-up action identified for food business Operator in relation to food handling practices and procedures, staff personal hygiene, or temperature control.</p> <p>All necessary control measures in place to prevent cross-contamination.</p> <p>Safe food preparation, cooking, re-heating, cooling and storage of food demonstrated.</p> <p><b><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></b></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**

<b>Score</b>	<b>Guidance/Description</b>
<b>25</b>	<p><b>Code of Practice - Specific guidance on score of 25</b> Almost total non-compliance with statutory obligations.</p> <p><b>Description of what 25 might be expected to look like in practice</b> Evidence of almost total non-compliance with legal requirements. Imminent and serious risks. Follow-up action by the DC 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 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><b>Code of Practice - Specific guidance on score of 20</b> General failure to satisfy statutory obligations – standards generally low.</p> <p><b>Description of what 20 might be expected to look like in practice</b> Evidence of major and widespread non-compliance with legal requirements. Widespread and significant risks. Follow-up action by the DC 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. 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. Poor standard of structural and equipment cleaning. Poorly maintained and in poor repair. Not all appropriate hand and equipment washing facilities provided. Poor design layout that is likely to lead to cross-contamination and to food safety being compromised. 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). Evidence of pest infestation or inadequate waste disposal provision. 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>

<b>Level of (current) compliance with structural requirements</b>	
<b>Score</b>	<b>Guidance/Description</b>
<b>15</b>	<p><b>Code of Practice - Specific guidance on score of 15</b> Some major non-compliance with statutory obligations – more effort required to prevent fall in standards.</p> <p><b>Description of what 15 might be expected to look like in practice</b> Evidence of some major non-compliance with legal requirements. Some significant risks. Follow-up action by the DC 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. 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. Significant improvements needed in standard of structure, equipment cleaning, maintenance and repair, or hand and equipment washing facilities. Poor design layout potentially leading to cross-contamination and to food safety being compromised. Major non-compliance with structural requirements (e.g. may be some damaged work surfaces, some significant dirt). Evidence of pest infestation/activity or inadequate waste disposal provision. 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><b>Code of Practice - Specific guidance on score of 10</b></p> <p>Some non-compliance with statutory obligations and <i>industry codes of recommended practice</i>. Standards are being maintained or improved.</p> <p><b>Description of what 10 might be expected to look like in practice</b></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 DC 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><b>Code of Practice - Specific guidance on score of 5</b>  High standard of compliance with statutory obligations, <i>industry codes of recommended practice</i>, and minor contraventions of food hygiene regulations.</p> <p><b>Description of what 5 might be expected to look like in practice</b>  Evidence of very good compliance with legal requirements, with only some minor non-compliances that are not critical to food safety.  No follow-up action by DC apart from report of inspection provided to food business Operator. No re-visit necessary before next planned intervention.  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.  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).  Evidence of adequate pest control and waste disposal provision.  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><b>Code of Practice - Specific guidance on score of 0</b>  <i>High standard of compliance with</i> statutory obligations and <i>industry codes of recommended practice</i>; <i>conforms to accepted good practices in the trade.</i></p> <p><b>Description of what 0 might be expected to look like in practice</b>  Evidence of meeting legal requirements <i>or exceeding legal requirements.</i>  No follow-up action by DC apart from report of inspection provided to food business Operator. No re-visit necessary before next planned intervention.  No follow-up action identified for food business Operator in relation to structural requirements including cleanliness, layout, condition of structure, lighting, ventilation, facilities.  No repairs required and no potential improvements identified, or robust procedures in place for ongoing rectification of minor repairs.  Premises and equipment clean and in good condition.  Evidence of effective pest control and waste disposal provision.  <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 confidence in management/control procedures**

### **Code of Practice - general guidance**

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

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

Confidence in management is not meant to reconsider this aspect. It is to elicit a judgement on the likelihood of satisfactory compliance being maintained in the future.

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

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

Officers should also reflect the level of reassurance provided by checks undertaken on the food safety management systems directly at an individual establishment via an independent third party as part of an assurance scheme which address applicable legislation. The confidence in management/control procedures score is not solely about documented procedures and their implementation. Factors that will influence the officer's judgement include:

- the "track record" of the company, its willingness to act on previous advice and enforcement, and the complaint history;
- the attitude of the present management towards hygiene and food safety; 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.

Confidence in management/control procedures	
Score	Guidance/Description
30	<p><b>Code of Practice - Specific guidance on score of 30</b></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><b>Description of what 30 might be expected to look like in practice</b></p> <p>Follow-up action by the DC likely to include prohibition procedures where there is imminent risk and ongoing formal enforcement, using a graduated approach in accordance with DC 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.            Major improvements in food safety procedures/implementation of controls required.            No or totally inadequate food safety management procedures.            Staff not suitably supervised, instructed and/or trained in food hygiene and no appreciation of food hazards or controls.            Appropriate staff not adequately trained in application of HACCP principles.            Poor track record, may be some evidence of previous problems.</p>

Confidence in management/control procedures	
Score	Guidance/Description
20	<p><b>Code of Practice - Specific guidance on score of 20</b></p> <p>Significantly varying record of compliance.</p> <p>Poor appreciation of hazards and control measures.</p> <p>No food safety management procedures.</p> <p>Some reluctance in recognising or accepting the need for food safety and hygiene control procedures.</p> <p><b>Description of what 20 might be expected to look like in practice</b></p> <p>Follow-up action by the DC likely to include commencement of formal enforcement action, using a graduated approach in accordance with DC 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>.</p> <p>Significant hazards not fully understood and not all controls in place.</p> <p>Significant improvements in food safety procedures/implementation of controls required.</p> <p>Some staff not suitably supervised, instructed and/or trained in food hygiene.</p> <p>Appropriate staff not adequately trained in application of HACCP principles.</p> <p>Varying track record, may be some evidence of previous problems.</p>

**Confidence in management/control procedures**

**Score      Guidance/Description**

**10**

**Code of Practice - Specific guidance on score of 10**

Satisfactory record of compliance.

***Access to relevant technical advice source and/or Guides to Good Practice or assurance scheme.***

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.

**Description of what 10 might be expected to look like in practice**

Follow up action for DC 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.

Some follow-up action identified for food business Operator in relation to further development and completion of documented procedures where these were 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.

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) 853/2004 on food hygiene and the related European Commission Guidance Document on *Implementation of procedures based on HACCP principles, and facilitation of the HACCP principles in certain food businesses.*

All significant hazards understood and controls in place.

Generally, food safety management procedures satisfactorily cover all activities but some further development/completion needed.

Food safety management records appropriate for size and nature of business, and are generally maintained but with some deficiencies/gaps identified.

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.

Appropriate staff adequately trained in application of HACCP principles.

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.

Confidence in management/control procedures	
Score	Guidance/Description
5	<p><b>Code of Practice - Specific guidance on score of 5</b></p> <p>Good record of compliance.</p> <p><b><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></b></p> <p>Effective management control of hazards.</p> <p>Having effective self-checks with satisfactory documented food safety management procedures commensurate with type of business.</p> <p>Audit by Food Authority confirms general compliance with procedures.</p> <p><b>Description of what 5 might be expected to look like in practice</b></p> <p>No follow-up action by DC 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 DC enforcement officer and/or from Guides to Good Practice.</p> <p>Staff suitably supervised, instructed and/or trained in food hygiene with good general staff knowledge and new staff receiving induction training.</p> <p>Appropriate staff adequately trained in application of HACCP principles.</p> <p>Good track record but new businesses or those existing businesses where there has been a change in circumstances (e.g. a change in management) should not be penalised on track record where they have food safety management procedures in place.</p>

Confidence in management/control procedures	
Score	Guidance/Description
0	<p><b>Code of Practice - Specific guidance on score of 0</b></p> <p>Excellent record of compliance.</p> <p><b><i>Access to technical advice, or manager knowledgeable and competent.</i></b></p> <p><b><i>Proactive and ability of self-regulation.</i></b></p> <p>Has satisfactory documented food safety management procedures commensurate with type of business, which <b><i>may be subject to external audit process.</i></b></p> <p>Audit by Food Authority confirms compliance with documented procedures with few/minor non-conformities not identified as critical control points.</p> <p><b>Description of what 0 might be expected to look like in practice</b></p> <p>No follow-up action by DC 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><b><i>External audit of food safety management procedures.</i></b></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><b><i>Access to technical advice within organisation.</i></b></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	Operator action	LA action
	Hygiene	Structure	CIM				
25 CIM =30	<p>Very poor food hygiene practices, serious food contamination risks, inadequate temperature control for high-risk foods and major improvement needed in all areas.</p> <p>Failure to apply any (i.e. all) of the control measures required to prevent cross-contamination.</p> <p>Almost total non-compliance with requirements for safe food preparation, cooking, re-heating, cooling or storage of food identified.</p>	<p>Almost total non-compliance with structural requirements.</p> <p>Insufficient space in which to operate safely.</p> <p>Evidence of widespread pest infestation or totally unsatisfactory waste disposal provision.</p>	<p>No evidence of food safety management/documented procedures.</p> <p>Significant hazards not understood and no effective controls in place.</p> <p>Staff not suitably supervised, instructed and/or trained and no appreciation of food hazards or controls.</p> <p>Poor track record.</p> <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 LA enforcement policy using a graduated approach but likely to include consideration of prohibition procedures where there is imminent risk and ongoing formal enforcement action, and re-visits within short timescale to secure compliance.</p>
20	<p>Poor standard of hygienic food handling, temperature control and staff personal hygiene and major improvements required.</p> <p>Inadequate implementation of many of the control measures required to prevent cross-contamination.</p> <p>Major and widespread non-compliance with requirements for safe food preparation, cooking, re-heating, cooling or storage of food identified.</p>	<p>Major and widespread non-compliance with structural requirements.</p> <p>Poor design layout that is likely to lead to cross-contamination and to food safety being compromised.</p> <p>Evidence of pest infestation or inadequate waste disposal provision.</p>	<p>Food safety management/documented procedures inappropriate or inadequate.</p> <p>Significant hazards not fully understood and not all controls in place.</p> <p>Significant improvements in food safety procedures/implementation of controls required.</p> <p>Some staff not suitably supervised, instructed and/or trained.</p> <p>Varying track record</p> <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.	<p>Address all identified non-compliances as a matter of urgency within stipulated timescale.</p>	<p>In accordance with LA enforcement policy using a graduated approach but likely to include commencement of formal enforcement action, including consideration of prohibition procedures where control measures required to prevent cross-contamination are not in place, and re-visiting the establishment to secure compliance.</p>

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

Score	Standards			Compliance	Risk to public health	Operator 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 Intervention rating scores to the food hygiene rating

### 5.1 Introduction

The following elements of the 'food hygiene intervention rating scheme' set out in Chapter 5 of the *Food Law Code of Practice (Northern Ireland)* are relevant to calculating the food hygiene rating following an inspection, partial inspection or audit:

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

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

The intervention rating 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 intervention rating 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 in the <i>Food Law Code of Practice</i> to the six FHRS food hygiene ratings						
Total intervention rating 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 <b>5</b>	0 1 2 3 <b>4</b> 5	0 1 2 <b>3</b> 4 5	0 1 <b>2</b> 3 4 5	0 <b>1</b> 2 3 4 5	<b>0</b> 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 intervention rating score exceeds the additional scoring factor, the food hygiene rating of the establishment will drop down the scale to the rating where it no longer exceeds the additional scoring factor. This is illustrated by the examples below.

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

## **6.1 Introduction**

Following inspection the DC must notify the Operator of their food hygiene rating and accompanying information.

## **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 at section 24 of the Interpretation Act (Northern Ireland) 1954 applies. Specifically, 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.

For multi-site businesses, DCs 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, this should include copies of documents sent or left on site e.g. post inspection reports.

## **6.3 Information to accompany notification**

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

- the food hygiene sticker(s) for the rating that has been achieved;
- statement of the reason why the establishment was rated as it was. In cases where the highest rating has not been given, details of the action needed, with reference to each of the rating criteria, in order to achieve legal compliance;
- an explanation on the right to appeal;
- an explanation of the right to request a re-rating;
- an explanation of the right of reply;
- an explanation of the validity of rating;
- an explanation on the requirement to display the rating at the establishment; and
- an explanation on the requirement to provide information about the rating.

## **6.4 Presentation of the Information**

Details of why the establishment was rated as it was along with information regarding compliance with relevant food legislation must be presented to the Operator. This information should be presented to the Operator for each of the three elements assessed - hygiene, structure and confidence in management/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. An example of an addition to a standard food business intervention report which may be used is provided in Appendix 5.

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. This includes information on: publication of ratings; display of stickers; appeals, right of reply, and making requesting requests for re-rating. Each notification must also include specific information relating to the DC and the food business establishment.

## **6.5 Informing the Food Standards Agency of ratings**

Following an inspection of a food business establishment which has resulted in a rating, the DC must within 34 days inform the FSA of the rating. The DC must also inform the FSA if it is not appropriate to publish the rating.

The FSA having been informed of a food hygiene rating must within seven days publish the rating online, unless informed by the DC that the publication would not be appropriate. See section 14 of this Guidance.

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## Section 7: Appeals

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### 7.1 Introduction

To ensure fairness to businesses, DCs must have an appeals procedure in place for Operators to dispute the food hygiene rating given in respect of their establishment.

The appeals procedure is illustrated in the flow chart at point 7.7 below. If an Operator considers that the food hygiene rating given by the 'inspecting officer' (i.e. the officer undertaking the inspection) is unjust, the Operator may appeal on the grounds specified in section 3 of the Act. This is detailed in 7.2 below.

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

An Operator disputing a rating should be encouraged to discuss this informally first with the 'inspecting officer' so that there is an opportunity to help explain to the FBO how the rating was worked out as this may help resolve the matter without the FBO having to lodge an appeal. Any such discussions do not form part of the formal appeal process and do not change the deadline within which an appeal must be lodged. This should be made clear to the FBO so that they may lodge an appeal, and may subsequently withdraw it, if they wish.

### 7.2 When and how must the appeal be made?

The appeal must be made by the Operator in writing within 21 days, from the date of receipt of notification (this may include submission via e-mail and can be submitted by a person acting on behalf of the Operator). Appeals received more than 21 days after notification should not be considered. A standard template form that Operators may use to submit an appeal is available at Appendix 1 of this Guidance document.

The appeals procedure is relevant where the Operator believes that the rating does not reflect the food hygiene standards at the establishment at the time of the inspection on which the rating is based.

An appeal is **not** appropriate in circumstances where an Operator 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.

Appeals must be considered by an officer of the DC who was not involved in the production of the rating that is being appealed.

When deliberating the appeal the paperwork associated with the intervention and the food hygiene rating given should be considered.

In some circumstances, a further visit to the establishment may be required. This will depend on the nature of the dispute and whether a decision can or cannot be made on the basis of the paperwork associated with the intervention and the food hygiene rating given. For example a visit to the establishment may be helpful to determine the effective implementation of a food safety management system.

### **7.3 Communicating outcome of appeal**

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

Following the determination of the appeal, the DC 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 DC must send to the FSA a copy of the notification of the revised food hygiene rating, and details of why the establishment was rated as it was.

This information should be forwarded to:

Executive Support Unit  
Food Standards Agency in Northern Ireland  
10a-c Clarendon Road  
Belfast BT1 3BG

Or by email to: [Executive.Support@foodstandards.gsi.gov.uk](mailto:Executive.Support@foodstandards.gsi.gov.uk)

### **7.4 Notification of appeal**

The DC must notify the Operator in writing within 21 days of receiving the appeal of its determination. The written notification must be accompanied by:

- Where the DC has changed the establishments food hygiene rating on the appeal, a sticker showing the new rating;
- A written statement of the reasons for the determination on the appeal;
- An explanation of the right to request a re-rating;
- An explanation of “right of reply”;
- An explanation of the validity of rating;
- An explanation on the requirement to display the rating; and
- An explanation on the requirement to provide information about the rating.

## **7.5 Display of the rating being appealed**

The rating will not be displayed at [food.gov.uk/ratings](http://food.gov.uk/ratings) during the 21 day appeal period. If an appeal is submitted the 'Awaiting publication' image will be displayed until the appeal is determined.

When the Operator is notified of the revised food hygiene rating a new sticker will be provided with the notification of the new rating. The Operator 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 £200. Only one rating – the valid rating – can be displayed at any point in time (see also section 10 on display).

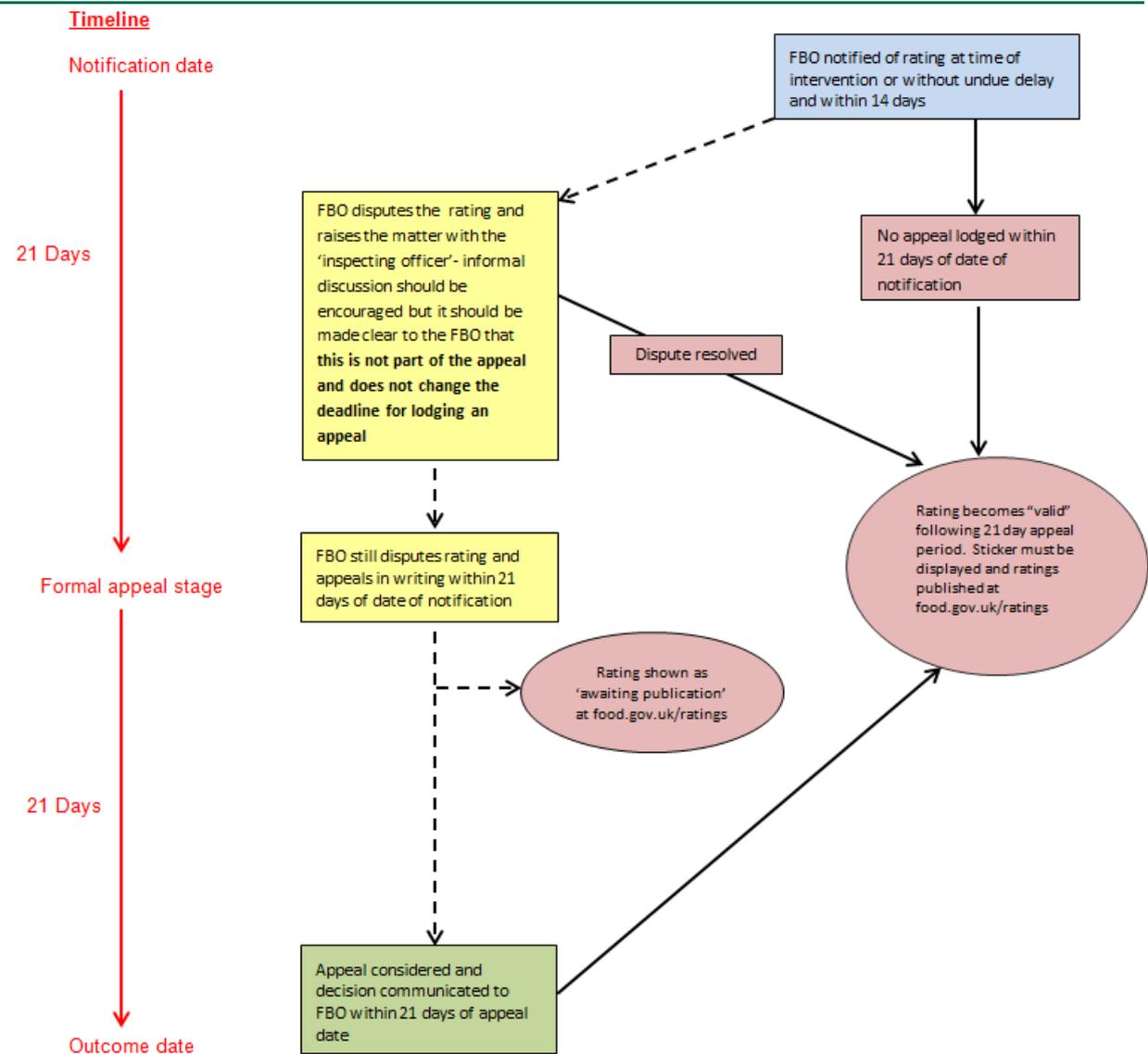
If no appeal is made the rating will be "valid" after the 21 day period has expired. The rating sticker will then need to be displayed in accordance with Regulation 5, and the rating will be published on [food.gov.uk/ratings](http://food.gov.uk/ratings).

## **7.6 If the Operator disagrees with the outcome of the appeal**

Sufficient legal protection is given to Operators if they disagree with the DC'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 DC reached its decision, the Operator has recourse to challenge the DC by means of Judicial review.

The Operator also has recourse to the DC's complaints procedure (including taking the matter to the Northern Ireland Public Services Ombudsman where appropriate) if they consider that a council service has not been properly delivered. There is no legal requirement for the DC's complaints procedure to form part of the FHRS appeals procedure. This does not, however, prevent an Operator from using the complaints procedure where they are dissatisfied with any aspect of the council's services.

## 7.7 Flowchart illustrating the appeals procedure



### Notes

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

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## Section 8: 'Right of reply'

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### 8.1 Introduction

Section 5 of the Act provides Operators with an additional safeguard for businesses, through the 'right of reply'. This gives Operators 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 to say if there were particular circumstances at the time of the inspection that might have affected the rating.

### 8.2 The 'right of reply'

Operators have a 'right of reply' which may be published at [food.gov.uk/ratings](http://food.gov.uk/ratings). The 'right of reply' comments may be published together with the rating to which the comments relate. The Operator may submit their 'right of reply' comments at any time while the rating is valid, whether or not an appeal has been made. The 'right of reply' will remain on the website until a new food hygiene rating is given.

The purpose of the 'right of reply' is to enable the Operator 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 of reply' comments must be made in writing and submitted to the DC, a standard template form that Operators may use to submit a 'right of reply' is available at Appendix 1 of this guidance document. There is no requirement for this form to be used, and an Operator is free to submit their comments in a different written format, clearly marked as their 'right of reply' comments.

The DC may send comments to the FSA in the form in which it received them, they may edit the 'right of reply' and send them to the FSA in that edited form, this should be sent without undue delay, or refuse to send them to the FSA in any form.

DC's may edit or refuse to send the FSA the 'right of reply' comments if they contain offensive, defamatory, clearly inaccurate or irrelevant remarks. In such cases the Operator must be informed by way of a written explanation of the reason for doing so and be invited to revise their text.

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

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## Section 9: Requests for re-rating inspections

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### 9.1 Introduction

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

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

As part of the notification sent to the Operator following inspection, the DC must inform the Operator of their right to request an inspection for the purpose of re-rating, including details of how to make such a request and the cost. A standard template form that Operators may use to submit a request for re-rating is available at Appendix 1 of this Guidance document

The Guidance is designed to outline the procedure for dealing specifically with inspections requested by the Operator 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 DC 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 DC officer in accordance with the provisions of the *Food Law Code of Practice (Northern Ireland)*. 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 Request for re-rating inspections

Before an inspection for re-rating purposes can be undertaken the Operator, or a person acting on behalf of the Operator, must make the request in writing (this may include submission via email). The request must be accompanied by the specified fee for the re-rating and the following conditions must be met:

- any appeal against the current rating has been determined or the appeal period has expired;
- the Operator has notified the DC of the improvements that have been made at the establishment since the last inspection; and
- the DC considers it reasonable to inspect and re-assess the establishment; taking into account the improvements that have been made.

The Operator can make a request for an inspection for re-rating purposes at any time.

The number of requests made by the Operator 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 Operator to rectify the non-compliance(s) identified and, where appropriate, should include supporting evidence.

The supporting case should refer to those actions that the DC informed the Operator 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 Operator does not meet the required conditions, the DC can decline a request to undertake a re-rating inspection on that basis. In doing so, the DC 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 on further request. The Operator should be advised that they may re-submit a request at any time, but the re-rating inspection will not be undertaken unless all the conditions are met.

In deciding whether to undertake an inspection for re-rating purposes the DC may take into account the extent to which the Operator of the establishment is complying with the provisions of the Act. This would include whether the Operator is displaying a valid rating sticker(s) as prescribed by the Regulations.

If the Operator disagrees with the DC's decision to decline a request for a re-rating inspection, the Operator has recourse to the DC's complaints procedure, or ultimately through seeking judicial review.

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

If the Operator has made the request in writing, has paid the specified fee for re-rating, and has met the conditions (see section 9.2) the inspection must be undertaken no later than three months after the request was received by the DC.

In particular, where the improvements that have been made are issues concerned with confidence in management/control procedures it would be reasonable for the

inspection for re-rating to take place towards the end of the three month period in order to establish that the improvements are fully implemented and sustained.

Where possible, the inspection should be unannounced. The general principal 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 only and an inspection will need to be undertaken before a re-rating is provided.

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

#### **9.6 Powers of entry/authorisation for requested inspection for the purposes of re-rating**

By virtue of making a request, the Operator has agreed to ensure that the DC 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 Act (Northern Ireland) 2016.

It should be made clear, however, that the officer is still authorised under The Food Hygiene Regulations (Northern Ireland) 2006 and as such retains powers of entry and has the powers to take enforcement action under that legislation where appropriate.

#### **9.7 Hygiene standards at the time of the inspection for re-rating purposes**

At the time of the inspection, the DC 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 DC officer.

## **9.8 Notification of re- rating**

Following an inspection for the purposes of re-rating, the DC must notify the Operator 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.

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

- A sticker showing the new rating;
- A written statement of the reasons for the determination on the review (post inspection report). In cases where the highest rating has not been given, details of the action needed, with reference to each of the rating criteria, in order to achieve legal compliance;
- An explanation of the right to appeal;
- An explanation of the right to request a further re-rating;
- An explanation of “right of reply”;
- An explanation of the validity of rating;
- An explanation on the requirement to display the rating; and
- An explanation on the requirement to provide information about the rating.

## **9.9 Informing the Food Standards Agency of ratings**

Following an inspection of a food business for the purposes of re-rating, the DC must within 34 days inform the FSA of the rating. The DC must also inform the FSA if it is not appropriate to publish the rating.

The FSA having been informed of a food hygiene rating must within seven days publish the rating online, unless informed by the DC that the publication would not be appropriate. See section 14 of this guidance.

## 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(s) provided by the DC.

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

### 10.2 The Food Hygiene Rating Sticker

The Food Hygiene Rating Regulations (Northern Ireland) 2016 specify two forms of stickers within Schedule 1.

The prescribed stickers are 195mm (wide) x 136mm (tall) with text showing a rating from 0 to 5 and colours used must be colour references: Green Pantone 376 and Black.

The first form of stickers prescribed in Schedule 1 of the regulations, which will be provided by FSA to DCs free of charge, is shown below:



The second form of stickers prescribed within the regulations gives DCs the opportunity to display their name and logo on the sticker. The DCs name and logo must replace the words “This scheme is operated in partnership with your local authority” as specified in the first form of sticker.

The name and logo of the district council must be located in the top right hand corner of the Food Hygiene Rating Sticker 5mm from the top edge and 10 mm from the right hand edge of the sticker. The dimensions of the area in which the name and logo of the DC must be located are 55 mm (wide) x 35 mm tall.



The food hygiene rating sticker must comply with the requirements detailed above.

Where a DC uses this format of sticker it must ensure that they are made available in both “window display” and “wall display” formats. The material on which stickers should be printed that should be used is adhesive permanent peel removable to front (Window) & reverse (Wall) and Opaque to Bond Material.

In addition to the six prescribed rating stickers the FSA will continue to provide a sticker for businesses that have not yet been rated. DCs should inform Operators that an 'awaiting inspection' sticker(s) may be given if requested by the Operator. Examples of some of the circumstances where a sticker may be given are detailed below:

- Where a 'new' establishment is registered; or
- Where there is a change of Operator that means that the establishment should be registered and treated as 'new'.

There is **no** legal obligation on an Operator to display an 'awaiting inspection' sticker but doing so may help ensure fairness to businesses and aid consumer understanding.

Rating stickers may only be issued by the DC, and for this reason only DCs may order stickers. DCs should ensure that supplies of stickers are kept in a secure place and report any loss of stickers to the FSA. Details of how DCs can order the stickers are given at 10.8.

DCs should add the following information on the reverse side of the window display stickers:

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

The DC may 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.

The FSA will cover the cost of producing the stickers referenced in Part 1 of Schedule 1 of the Regulations. If district councils chose to include their respective name and logo, referenced in Part 2 of Schedule 1 of the Regulations, the cost of production will be borne by the district council.

### **10.3 When should the stickers be given**

Operators 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 should be provided when notification of the rating is given whether this is at the time of intervention or later by post. This sticker becomes valid and must be displayed 21 days after it is received or after any appeal has been determined and the Operator notified of the outcome. The Operator should then remove from display and destroy any sticker they have for the previous rating and be reminded that to continue to display this 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 DC, with sticker(s) that must be displayed at or near each relevant entrance. A relevant entrance is any entrance that is available for use by customers. For establishments that offer customers the facility to place orders for food from their vehicle the 'relevant entrance' will be at each place food can be ordered.

In all cases, the rating must be displayed where it can be **readily seen** and where it is capable of being **easily read** by customers before they enter the establishment when it is open for business.

The regulations specify that a sticker must be displayed:

- At or near each entrance to a food business establishment; and
- Where it can be readily seen and easily read by customers before they enter the establishment when it is open for business.
- If the premises cannot be entered by customers the sticker must be displayed where it can be readily seen and easily read by customers when it is open for business.

Where the establishment has multiple relevant entrances the business must be provided, by the DC, with a sticker for each such entrance.

A “drive through” business may be an example of an establishment with multiple entrances. A sticker will have to be displayed at any traditional customer entrances (front door) where customers could enter the establishment on foot and also at the entrance to the drive through. In the scenario of a drive through the rating could be displayed at the point where the customer places the order or on a menu board at a point before the order is placed. The rating must be displayed in a location where it can be readily seen and easily read by the customer who 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 Operator 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 readily seen and 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, as failing to do so constitutes an offence under section 10 of the Act.

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. Where the rating of the coffee shop is displayed adjacent to other food business establishment ratings, each rating must clearly identify to which establishment that rating applies. The same principle applies to other similar premises, for example to service stations, golf clubs etc.

If the establishment is one where food is provided to customers but customers are not permitted to enter the establishment or it is incapable for practical purposes of being entered by customers - for example, a mobile food van, or a domestic premises - the sticker showing the establishment’s valid rating must be displayed at the establishment in a location where it is capable of being readily seen and 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 where it can be readily seen and easily read in the location where the interaction between the Operator 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.

Where food is provided to customers by or on behalf of an Operator at outlets away from the Operator’s establishment such as market stalls and vehicles that are part of the Operator’s business, and 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 readily seen and easily read by customers when the outlet is open for business.

For example, in the case of a market stall this could be through 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.

It should be noted 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 readily seen and easily read by customers, before they enter the establishment when it is open for business, should apply.

### **10.5 Sticker validity**

The Food Hygiene Rating sticker becomes valid as soon as it is received by the Operator.

The first rating becomes valid and the sticker must be displayed once the Operator 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 Operator 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 Operator 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 is closed due to an imminent risk to public health, either through formal action or voluntarily, then it should not have a food hygiene rating whilst it remains closed. No information about the business should be published and any sticker on display should be removed (there is no appeal pending in such cases). If and when the establishment re-opens it should have a rating which will be based on the most recent inspection, partial inspection or audit undertaken. If an establishment has been closed the most recent inspection, partial inspection or audit should be that which has resulted in the establishment being reopened.

In terms of the score for confidence in management/control procedures, it is important that this is based on the inspecting officer's professional judgement with due regard to the food hygiene intervention rating scheme set out in the Food Law Code of practice and the decision made is justified and documented. The conditions that resulted in the closure of the establishment should be considered in the score for confidence in management/control procedures when issuing a score following reopening.

It is an offence to display a sticker that is not valid therefore when an establishment's sticker ceases to be valid the Operator must remove it from display and destroy it, unless instructed not to destroy it by an authorised officer.

### **10.6 Use of any of the branding for marketing and advertising purposes by DCs**

DCs 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.

### **10.7 Use of any of the branding for marketing or advertising purposes by Operators**

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

Operators may use FHRS branded materials to promote their business but in doing so Operators 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.

### **10.8 Ordering stickers**

Rating stickers may only be issued by the DC, and for this reason only DCs may order stickers. DCs can order stickers free of charge from EC Group on 0845 6060667 or [foodstandards@ecgroup.co.uk](mailto:foodstandards@ecgroup.co.uk) using the order references below:

<b>Rating</b>	<b>Window</b>	<b>Wall</b>
<b>Waiting Inspection</b>	<b>FSA/1716/1113</b>	<b>Not Printed</b>
<b>0</b>	<b>FSA/1717/1113</b>	<b>FSA/1717/1113/V2</b>
<b>1</b>	<b>FSA/1718/1113</b>	<b>FSA/1718/1113/V2</b>
<b>2</b>	<b>FSA/1719/1113</b>	<b>FSA/1719/1113/V2</b>
<b>3</b>	<b>FSA/1720/1113</b>	<b>FSA/1720/1113/V2</b>
<b>4</b>	<b>FSA/1721/1113</b>	<b>FSA/1721/1113/V2</b>
<b>5</b>	<b>FSA/1722/1113</b>	<b>FSA/1722/1113/V2</b>

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## Section 11: Requests for information about food hygiene ratings

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### 11.1 Introduction

Section 8 of the Act places an obligation on the Operator to provide information on the food hygiene rating for their businesses if requested to do so.

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) 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 defined in the Act as someone who: *'is employed at the establishment, and is, in the opinion of the Operator of the establishment, likely to be subject to a request of the kind referred to in subsection (1)'* (subsection (1) makes reference to a request for establishments food hygiene rating to be provided).

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 which other staff members would routinely refer people to if they had questions about the business.

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## Section 12: Adjustment of time periods

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### 12.1 Introduction

Section 16 of the Act provides for certain time periods specified in the Act, within which DCs and the FSA are required to take action, to be adjusted.

### 12.2 Time Provisions

Where the period of the following time provisions within the Act include the last working day before Christmas Day, the period is to be extended by seven days:

- DCs notifying the Operator of a rating following an inspection or re-rating inspection; and
- DCs notifying the FSA of a rating following an inspection, re-rating inspection or appeal

The term 'working day' means a day which is not a Saturday or Sunday.

### 12.3 Exceptional Circumstances

Section 16 of the Act also allows for the time periods specified to be exceeded in 'exceptional circumstances' where it is not reasonable for a DC to comply with them. The time periods that this applies to include:

- DCs notifying the Operator of a rating following inspection or re-rating inspection; and
- DCs notifying the FSA of a rating following an inspection or re-rating inspection

DCs have responsibility for safeguarding public health including responding to emergency situations. When responding to these situations DC's may on occasion be unable to discharge their responsibilities under the Act. During these exceptional circumstances, it may be necessary to direct resources away from non-vital activities towards those of a higher public health priority such that it is not possible for DCs to comply with the time periods for the above. They must, however, comply as soon as it is reasonably practicable for them to do so. Equally other unforeseen exceptional circumstances may occur which may cause the specified time periods to be breached.

Examples of exceptional circumstances are:

- Investigations of possible or confirmed food poisoning outbreaks;
- Investigation of other major food related incidents;
- Investigation and/or management of major non-food related incidents that result in resources being diverted from the food safety function.

On occasions where a DC intends to avail of this provision, the FSA should be notified as soon as possible.

### **13.1 Introduction**

Section 14 of the Act makes it a requirement for DCs to keep the operation of the FHRS in its district under review. Such a review is aimed at 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 DC and across different DCs.

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

DCs 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 food hygiene intervention-rating scheme set out in the Food Law Code of Practice (Northern Ireland) is applied. Monitoring should operate on three levels: within the DC; 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 DC'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 guidance issued by the FSA on the operation of the statutory FHRS;
- monitoring arrangements (consistency controls based on DC policies, procedures and documents that meet the requirements in the Food Law Code of Practice (Northern Ireland), 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 within three years of the commencement to conduct a review of the operation of the Act throughout Northern Ireland. Such a review must take into consideration:

- adequacy of any time period specified in which something may or must be done;
- operation and adequacy of the 'Appeals' provision;
- operation and adequacy of the 'Request for re-rating' provision in particular whether there should be a limit on the number of occasions on which the right to make a request for a re-rating may be exercised.

The FSA may conduct subsequent reviews of the operation of the FHRS in Northern Ireland as and when it deems appropriate. Following each review the FSA must produce a report detailing the review, making any recommendations for change to the process, and a copy of the report must be sent to the Department.

The Act also places a duty on DCs in relation to the evaluation of the scheme.

Each DC must review the operation of the FHRS in its district, and at the request of the FSA, provide any information requested for the purpose of assisting the FSA to evaluate the scheme.

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

### **13.4 DC monitoring of operation of the FHRS**

As food hygiene ratings are a means of presenting intervention findings, the internal monitoring arrangements that DCs 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 DC is able to demonstrate its conformance with its obligations under the Food Hygiene Rating Act (Northern Ireland) 2016 and associated Orders, the Food Hygiene Rating Regulations (Northern Ireland) 2016, the Food Law Code of Practice (Northern Ireland), 'The Standard' in the Framework Agreement on Official Feed and Food Controls by Local Authorities and with other relevant official guidance.

These monitoring arrangements should be detailed in the DC's internal monitoring procedures. Appropriate and proportionate records should be maintained to verify management oversight of key service activities and actions, and the measures taken to address any identified problems.

### **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 Chapter 5 of the Food Law Code of Practice (Northern Ireland);
- 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 DC 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 DCs and a forum for discussion and consideration of consistency issues. Any issues identified on a regional level should be shared through the Northern Ireland Food Safety Sub-Group.

The Northern Ireland Food Safety Sub-Group Group is a liaison group specifically set up to discuss issues relating to Food Safety which includes FHRS in Northern Ireland.

### **13.7 Businesses feedback on consistency of operation of the FHRS**

A ‘right of reply’ for individual businesses is included in the FHRS as a safeguard mechanism. A ‘contact us’ facility is provided at [food.gov.uk/ratings](http://food.gov.uk/ratings) so that businesses may provide feedback to the FSA. The FSA will liaise with DCs on any relevant issues raised by businesses as appropriate.

### **13.8 Consumers feedback on consistency of operation of the FHRS**

Consumers can also use the ‘contact us’ facility at [food.gov.uk/ratings](http://food.gov.uk/ratings) to provide feedback to the FSA. The FSA will liaise with DCs on any relevant issues raised by consumers as appropriate. This does not preclude consumers from contacting their DC, or the relevant DC that rated the establishment.

### **13.9 DC feedback on consistency of operation of the FHRS**

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

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## Section 14: Use of the food hygiene rating scheme IT platform

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### 14.1 Introduction

The credibility and integrity of the FHRS will depend on up-to-date and accurate food hygiene ratings information being available to consumers. Regular transfer of DC data to the national database and timely publication of ratings at [food.gov.uk/ratings](http://food.gov.uk/ratings) will be 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/sites/default/files/multimedia/pdfs/enforcement/fhrs-it-system-guidance.pdf>

### 14.2 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 DCs;
- a '**portal**' where DCs 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;
- 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](http://food.gov.uk/ratings).

### 14.3 File formats used for uploading DC data to the central database

Data must be extracted from the DC's Information Management System (IMS) to an Excel,<sup>7</sup> CSV or XML file.

### 14.4 Data Standard

The 'Data Standard' is set out below and lists the data that must be provided for establishments that are currently trading.<sup>8</sup>

DCs 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.

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<sup>7</sup> 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.

<sup>8</sup> 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.

Where data on all establishments is provided not all of this will be published at [food.gov.uk/ratings](http://food.gov.uk/ratings), but it can be included when running management reports.

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

Data field name	Required format	Comment
District council ID	Alpha-numeric: usually three or four characters long	This ID is the same ID used for the District council 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 district council to which the upload relates.
District council name	Text: 255 character limit	The name of the district council. Supply of this data is not mandatory as the log in details will indicate the district council 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 <a href="http://food.gov.uk/ratings">food.gov.uk/ratings</a> but is included in the open data and API. It must be supplied. All information about a particular establishment is contained in a single record (row). A given establishment ID value is unique to a single record in every data file.  <b>DCs should avoid changing premises ID as this will affect the display of that premises rating online.</b> Businesses may be using this data to display their rating online a change in establishment ID will result in relevant data no longer being displayed.
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 <a href="http://food.gov.uk/ratings">food.gov.uk/ratings</a> . Supply of this data is not mandatory.
Establishment telephone number	Numeric :25 character limit	This will not be published at <a href="http://food.gov.uk/ratings">food.gov.uk/ratings</a> . Supply of this data is not mandatory.

Establishment address line 1	Alpha-numeric: 255 character limit	No individual address line is mandatory but the supply of a valid address is, so at least one of the address lines must contain data and it is the responsibility of the district council to ensure that a valid and recognisable address is supplied.
Establishment address line 2	Alpha-numeric: 255 character limit	
Establishment address line 3	Alpha-numeric: 255 character limit	
Establishment address line 4	Alpha-numeric: 255 character limit	
Establishment post code	Alpha-numeric: 10 character limit	This should be supplied unless the establishment does not have a post code
Business type (category)	Text: 200 character limit	If the district council 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 yyyy/mm/dd	This is required for all establishments except for those yet to be inspected (unrated).
Scope	Alpha-numeric: 255 character limit	Identifier to indicate if the status of the establishment - for example, 'excluded', 'included', 'exempt', or 'sensitive'.  This will determine what, if any, information is published – see Q&A 4.
Intervention rating score for level of compliance – food hygiene and safety procedures	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.  The absence of all three values will indicate that the establishment has not yet been rated under the FHRS. In such cases, 'awaiting inspection' will be displayed at <a href="http://food.gov.uk/ratings">food.gov.uk/ratings</a> instead of a food hygiene rating.
Intervention rating score for level of compliance – structure of the establishment	Prescribed values: 0, 5, 10, 15, 20 or 25	
Intervention rating score for confidence in management/control procedures	Prescribed values: 0, 5, 10, 20 or 30	

Intervention rating 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 <a href="http://food.gov.uk/ratings">food.gov.uk/ratings</a> .
Revised food hygiene rating	Prescribed values: 0, 1, 2, 3, 4 or 5 (5 being a 'top tier' rating and 0 a 'bottom tier' rating)	This relates to food hygiene ratings given when an establishment has been re-visited at the request of the food business Operator under the re-inspections/re-visits mechanism. A value will be provided only in cases where the intervention rating was not also re-assessed.
Revised food hygiene rating date	UK date formats: dd/mm/yyyy dd/m/yy d.m.yy dd/mmm/yy dd-mm-yyyy dd mm yyyy dd.mm.yyyy yyyy/mm/dd	This relates to the value described in the entry above and is the date on which the establishment was re-visited and given a 'new' food hygiene rating.
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 DCs to issue a "new" rating to those establishments with a non-statutory rating. This will be the date on which the Operator of businesses that have been chosen for migration are notified of the "new" rating. The date will trigger the appeal period

### **15.5 Information that will appear at [food.gov.uk/ratings](http://food.gov.uk/ratings)**

Type of business <sup>9</sup>	Status	What will be published?
Does not supply food direct to consumers. Examples include manufacturers, packers, transporters, importers & exporters, distributors. Or Establishment used by childminders and adult placement carers where the establishment is also used as a private dwelling.	'Excluded'	Nothing.

<sup>9</sup> See [Section 2](#) on scope for further advice on this.

Type of business <sup>9</sup>	Status	What will be published?
<p>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>		
<p>Supplies food direct to consumers, is given a rating and there are no sensitivities in relation to publishing full address information.</p> <p>Examples include, supermarkets, restaurants, cafes, pubs (including wet pubs), hospitals, schools etc.</p>	<p>‘Included’</p>	<ul style="list-style-type: none"> <li>• Business name and <u>full</u> address</li> <li>• LAEMS business category</li> <li>• Date of inspection OR date of revised food hygiene rating</li> <li>• Food hygiene rating OR revised food hygiene rating OR ‘awaiting inspection’ OR ‘awaiting publication’ OR ‘recently inspected – new rating to be published soon’ plus the previous rating (for cases where a rating from a recent inspection is within the notification or appeals period)</li> <li>• Breakdown of rating into component scores(see appendix 3)</li> </ul>
<p>Supplies food direct to consumers, is given a rating but there are sensitivities in relation to publishing full address information as they operate or are registered at private addresses. Examples include, home caterers and mobile traders.</p>	<p>‘included and private’</p> <p>Note – Local authorities can manually indicate via the portal those establishments to have the address suppressed</p>	<ul style="list-style-type: none"> <li>• Business name and <u>partial</u> address – district council name and first part of postcode only</li> <li>• LAEMS business category</li> <li>• Date of inspection OR date of revised food hygiene rating</li> <li>• Food hygiene rating OR revised food hygiene rating OR ‘awaiting inspection’ OR ‘awaiting publication’ OR ‘recently inspected – new rating to be published soon’ plus the previous rating (for cases where a rating from a recent inspection is within the notification or appeals period)</li> <li>• Breakdown of rating into component scores (see appendix 3)</li> </ul>
<p>Supplies food direct to consumers but is not rated on the basis that it is exempt in accordance with the Regulations. These are 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</p>	<p>‘Exempt’</p>	<ul style="list-style-type: none"> <li>• Business name and <u>full</u> address</li> <li>• LAEMS business category</li> <li>• ‘Exempt’ in place of a food hygiene rating</li> </ul>

Type of business <sup>9</sup>	Status	What will be published?
<p>consumers.</p> <p>Examples include visitor centres selling biscuits, newsagents and chemist shops selling only pre-packed confectionery and/or health foods. Off licences selling only low risk products which are shelf stable at ambient temperature wrapped or packaged before it is brought to the establishment and remains sealed at all times before the food is supplied to consumers.</p>		
<p>Supplies food direct to consumers and is given a rating but there are sensitivities about publishing any address information at all or there are security issues.</p> <p>Examples include military establishments.</p>	‘Sensitive’	Nothing
<p>Supplies food direct to consumers but is not rated on the basis that it is exempt in accordance with the Regulations. These are 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, and there are sensitivities in relation to publishing full address information.</p>	<p>‘Exempt and private’</p> <p>Note – Local authorities can manually indicate via the portal those establishments to have the address suppressed</p>	<ul style="list-style-type: none"> <li>• Business name and <u>partial</u> address – district council name and first part of postcode only</li> <li>• LAEMS business category</li> <li>• ‘Exempt’ in place of a food hygiene rating</li> </ul>
<p>Businesses that have yet to receive an inspection, partial inspection or audit and to be given a rating</p>	‘Awaiting inspection’	<ul style="list-style-type: none"> <li>• Business name and <u>full</u> address</li> <li>• LAEMS business category</li> </ul> <p>‘Awaiting inspection’ in place of a food hygiene rating</p>
<p>Businesses that have yet to receive an inspection, partial inspection or audit and to be given a rating, and there are sensitivities in relation to publishing full address information.</p>	‘Awaiting inspection and private’	<ul style="list-style-type: none"> <li>• Business name and <u>partial</u> address – district council name and first part of postcode only</li> <li>• LAEMS business category</li> <li>• ‘Awaiting inspection’ in place of a food hygiene rating</li> </ul>

## 14.6 Display of Component Scores

The breakdown of the component scores equating to the rating will be displayed in a narrative from using descriptors, see Appendix 3. These are based on consumer research which was undertaken to inform the requirement to provide this information for businesses in Wales as part of the statutory scheme operating there.

#### **14.7 Frequency of uploading data**

A DC must within 34 days of carrying out an inspection which has resulted in a FHRs rating being produced inform the FSA of that rating. If the DC considers that it would not be appropriate to publish the rating they must inform the FSA of this decision.

It is good practice for information to be uploaded more frequently - once every 14 days is recommended.

There is no maximum upload frequency.

#### **14.8 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;
- Intervention rating scores for hygiene, structure and confidence in management/control procedures – where present, each must be consistent with one of the prescribed values and there must be a valid inspection date supplied or all values should be absent;
- business type – must be present and must not exceed 255 characters;
- establishment address – must be present and no address line should have more than 255 characters;
- inspection date (if supplied) - valid date less than or equal to the date of upload;
- revised food hygiene rating (if supplied) - values of 0 to 5 and revised food hygiene rating date as a valid date less than or equal to the upload date.

The upload will fail if any errors are detected such as only one or two Chapter 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.

## **14.8 How to correct errors**

A report identifying errors will be produced by the IT platform when the DC uploads the data file. This report can be exported to Word, Excel etc. DC's 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](http://food.gov.uk/ratings).

## **14.9 Publishing a rating at [food.gov.uk/ratings](http://food.gov.uk/ratings)**

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

In other cases, a rating cannot be published until the Operator has had 21 days from the date of notification of the rating in which to appeal. 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.

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](http://food.gov.uk/ratings) will show that, for the establishment in question, the assessment of hygiene standards is 'awaiting publication'. The previous rating will not be displayed.

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

## **14.10 DC information displayed on the DC's page at [food.gov.uk/ratings](http://food.gov.uk/ratings)**

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

## **14.11 Receipt of 'right of reply' from an Operator**

Operators have a 'right of reply' in respect of the rating given and the FSA must publish this at [food.gov.uk/ratings](http://food.gov.uk/ratings). The 'right of reply' comments must be made in writing and submitted to the DC, a standard template form that Operators may use to submit a 'right of reply' is available at Appendix 1. There is no requirement for this form to be used, and an Operator is free to submit their comments in a different written format, clearly marked as their 'right of reply' comments.

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

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

## 15.1 Introduction

It is anticipated that DCs will be able to resolve most breaches of the Act and Regulations through constructive dialogue with the Operator. Where possible education and guidance should be the first response and formal enforcement proceedings should be taken only where informal approaches have failed. Where resolution cannot be achieved easily or quickly, the Fixed Penalty Notice (FPN) powers under the Act allow the DC to adopt a graduated approach towards requiring the business to comply with its obligations under the Act.

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

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

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

Where the DC 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 instigate legal proceedings instead.

When determining any appropriate enforcement action the DC's enforcement policy should be considered.

DCs should record the issuing of any warning letters to food businesses regarding non-display and or failure to provide verbal information of food hygiene ratings. Consideration should be given to capturing this data on the DC's IMS as this will facilitate reporting of enforcement action to the FSA which will be required for review of operation of the scheme. The issuing of such warning letters should be recorded on the DC's IMS with its own specific code which will assist in extracting data when reviewing the operation of the scheme.

## **15.2 District Councils**

The Act imposes a duty on DCs in Northern Ireland to make arrangements to enforce the obligations imposed by the Act on food business establishments in their respective districts.

## **15.3 Authorised officers**

DCs will need to appoint appropriate authorised officers to carry out duties to secure compliance with the Act. An “authorised officer” of a district council is an officer authorised by the council in writing, either in general or specific terms, to act in matters arising under this Act.

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

Officers will need to be authorised under the Act in accordance with their DC’s procedures.

## **15.4 Powers of Entry**

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 hour’s notice of the intended entry must be given to the Operator.

## **15.5 Fixed Penalty Notices**

Section 11 of the Act gives authorised officers the discretion to issue penalty notices in respect of certain offences under section 10. 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 10(1) or 10(2).

In relation to mobile traders who may trade outside of the area of the DC which they are registered, the DC in which an offence was witnessed may issue an FPN under this provision if they deem it appropriate. If a DC issues a FPN to a mobile trader registered with another DC this action should be communicated along with other relevant information regarding the trader to the registering authority.

The decision regarding which FPNs to issue, or which charges to bring, in any given case is one for the DC (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 Operator 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:

- state the alleged offence;
- give particulars of the circumstance alleged to constitute the offence;
- state the amount of the penalty and the period within which it must be paid;
- state the consequences of not paying the penalty before the end of the period mentioned above;
- 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.

The person to whom the FPN must be paid and to whom representations relating to the notice may be made must be the DC for which the authorised officer was acting when giving the notice.

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.

A discount of 25% is applicable if payment is made within the first 14 days with this period beginning with the day on which the notice is given.

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

<b>Section 10 offences for which Fixed Penalty Notice may be issued</b>	<b>Full amount</b>	<b>Discounted amount</b>
An Operator of a food business establishment commits an offence if, without reasonable excuse, the Operator — <ul style="list-style-type: none"> <li>• fails to display a valid food hygiene rating sticker in the location and manner prescribed;</li> </ul>	£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 DC 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 DC before the end of the period for payment of the penalty, and in the manner specified by the DC in the penalty notice. Proceedings may not be instituted by the DC 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 DC considers that a penalty notice issued by an authorised officer ought not to have been given; it may be withdrawn by giving notice to the recipient. In doing so, the council 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 Operator could theoretically be issued with multiple FPNs, or charged for multiple offences under section 10 of the Act. For example, if an Operator was given a new sticker showing a lower rating than that shown on the previous sticker, the Operator 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 10(1) (failure to display a valid sticker) and section 10(2) (displaying an invalid sticker). Nonetheless, common sense, fairness and good practice, alongside the common law principle against "duplicity" would indicate that an Operator 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.

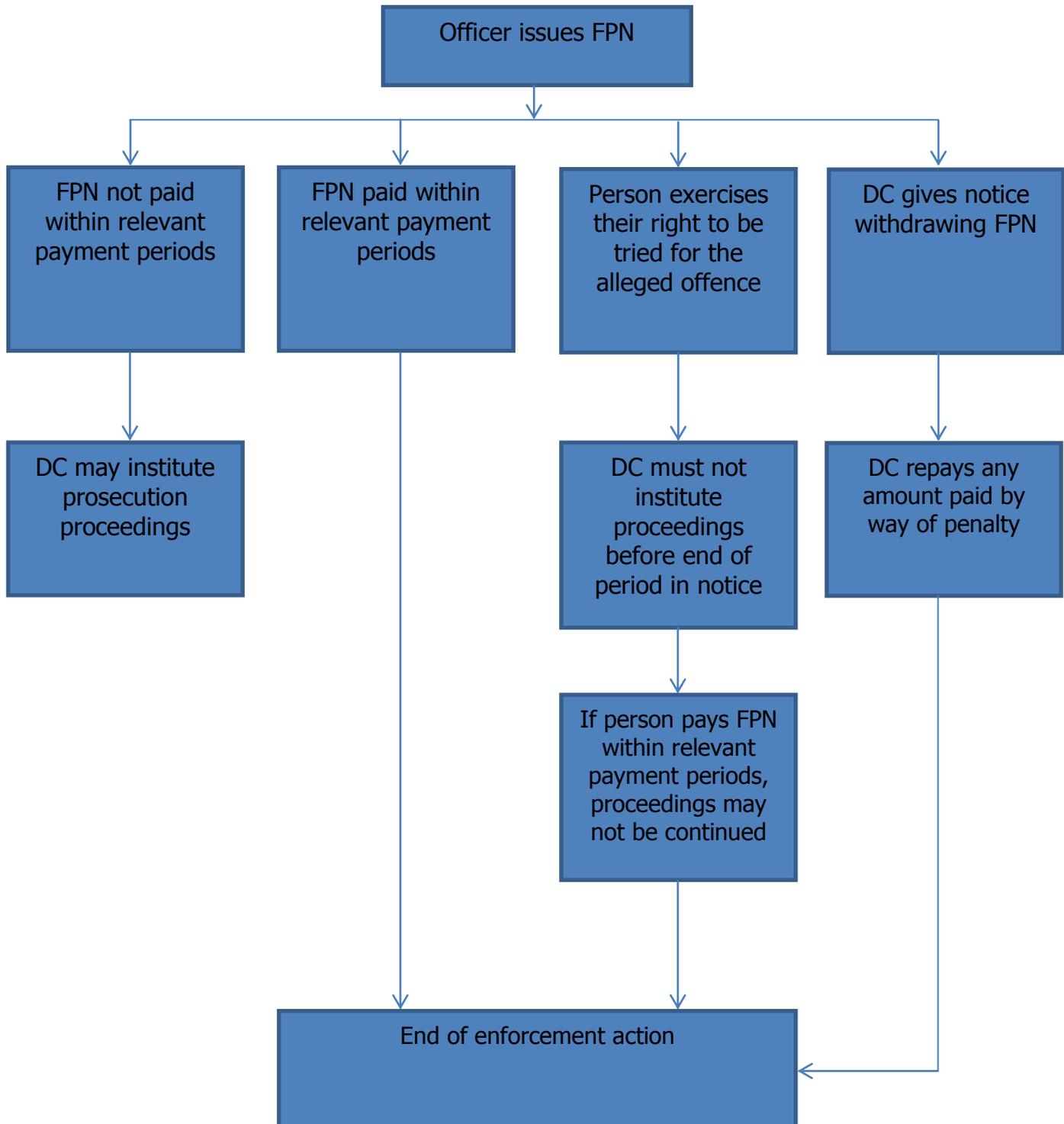
In some cases, an Operator could be issued with multiple FPNs, or charged for multiple offences under section 10 of the Act without breaching the principle of duplicity e.g. for displaying an invalid sticker and displaying a valid sticker not in the manner specified. This is because the facts of each 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 DC (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 district council operated establishments**

The DC should have a policy in place which details arrangements for ensuring compliance in establishments where the DC itself is the Operator, 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 Flowchart summarising the FPN process

Authorised officer has reason to believe an offence under section 10(10 or 10(2) of The Food Hygiene Rating Act (Northern Ireland) 2016 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.



## 15.9 Further Offences

When inspections and investigations of food businesses are taking place, it is expected that the majority of Operators 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.

## **Appendix 1 - Standard template forms**

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A number of FHRS templates forms are available.

### **Appeal form/'Right of reply' form/request for re-rating inspection form**

Templates are also available on the DC FHRS resources page of the FSA website at [www.food.gov.uk/fhrsresources](http://www.food.gov.uk/fhrsresources) so that DCs may download them, add their logo and relevant contact details and then upload them to their own websites so that local businesses may use them or provide hardcopies to Operators if requested to do so.

## Food Hygiene Rating Scheme: Appeal form

### Notes for businesses:

- As the food business operator of the establishment you have a right, under Section 3 of the Food Hygiene Rating Act (Northern Ireland) 2016, to appeal the food hygiene rating given following your inspection if you do not agree that the rating reflects the hygiene standards found at the establishment at the time of the inspection.
- **You have 21 days (including weekends and bank holidays) from the date of receipt of the notification letter to lodge an appeal.**
- Please use the form below and return it to your district council – contact details are provided with the written notification of your food hygiene rating.
- Your appeal will be determined by an authorised officer and the outcome of your appeal communicated to you within 21 days from the date the appeal was received.

### Business details

Food business operator/proprietor

Business name

Business addresses

Business tel. number  Business email

### Inspection details

Date of inspection  Food hygiene rating given

Date notified of rating

### Appeal

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

Compliance with food hygiene and safety procedures

Compliance with structural requirements

Confidence in management/control procedures

Signature

Name in capitals

Position  Date

**Please now return this form to: District council contact details to be included**

## Food Hygiene Rating Scheme: Request for a re-rating inspection

### Notes for businesses:

- As the food business operator of the establishment you have a right to request a re-visit for the purposes of re-rating under section 4 of the Food Hygiene Rating Act (Northern Ireland) 2016 to request at any time, provided that you have paid the cost of the re-rating inspection in accordance with section 4(7) of The Food Hygiene Rating Act (Northern Ireland) 2016 and the following conditions are met:-
  - Any appeal against the current food hygiene rating has been determined or abandoned:
  - You must provide details of the improvements made to hygiene standards with your request, including supporting evidence where appropriate.
  - If the district council considers that you have provided sufficient evidence that the required improvements have been made.
- The district council officer will give you a 'new' food hygiene rating based on the level of compliance that is found at the time of the re-visit - you should be aware that your rating could go up, down or remain the same.
- To make a request for a re-visit, please use the form below and return it to the food safety officer from your district council – contact details are provided with the written notification of your food hygiene rating.
- The re-rating visit will take place within 3 months of the request being made and will usually be made without prior notification.

### Business details

Food business operator/proprietor

Business name

Business addresses

Business tel. number  Business email

### Inspection details

Date of inspection  Food hygiene rating given

### Action taken

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

Compliance with food hygiene and safety procedures

Compliance with structural requirements

Confidence in management/control procedures

Please provide any other supplementary evidence (e.g. photographs, invoices, copies of relevant HACCP documentation etc.).

Signature

Name in capitals

Position  Date

**Please now return this form to: District Council contact details to be included**

# Food Hygiene Rating Scheme

## 'Right of reply'

### Notes for businesses:

- As the food business operator of the establishment you have a 'right of reply', under section 5 of the Food Hygiene Rating Act (Northern Ireland) 2016, in respect of the food hygiene rating given following your inspection. You may exercise this right at any time while the rating is valid.
- The purpose is to enable you to give an explanation of subsequent actions that have been taken to make the required improvements as detailed in the inspection letter, or to explain mitigation for the circumstances at the time of the inspection. It is not for making complaints or for criticising the scheme or food safety officer who carried out the inspection.
- If you wish to use this 'right of reply', please use the form below and return it to the food safety officer that undertook your inspection - contact details are provided with the written notification of your food hygiene rating.
- Your comments will be reviewed by the food safety officer and may be edited in order to remove offensive or defamatory remarks before being published online and displayed together with your food hygiene rating at [food.gov.uk/ratings](http://food.gov.uk/ratings).
- There will be a statement at [food.gov.uk/ratings](http://food.gov.uk/ratings) that will highlight that the accuracy of your comments has not been verified by district council officers

### Business details

Food business operator/proprietor

Business name

Business addresses

### Inspection details

Date of inspection  Food hygiene rating given

### Comments

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

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

Signature

Name in capitals

Position  Date

**Please now return this form to: District council contact details to be included**

## Appendix 2 - FHS logos and stickers

### Note

Details of where to order stickers are available on the FSA website at:

<http://www.food.gov.uk/enforcement/enforcework/hygienscoresresources/fhrsbranding>

### Logos



### Stickers

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

There are two options for stickers:

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



Food Standards Agency  
food.gov.uk/ratings

Name of business  
.....

Date of hygiene rating  
.....

Local authority name  
.....

Authorising signature  
.....

This sticker remains the property of the local authority  
FSA/102/11/12

### Appendix 3 – Descriptors for ratings breakdown at food.gov.uk/ratings

Information on the intervention rating component scores used to determine food hygiene ratings are published at food.gov.uk/ratings.

Intervention rating component	Description of component at food.gov.uk/ratings	Intervention rating score	Descriptor used on website
Compliance with food hygiene and safety procedures	<b>Hygienic food handling</b> Hygienic handling of food including preparation, cooking, re-heating, cooling and storage	0	'very good'
		5	'good'
		10	'generally satisfactory'
		15	'improvement necessary'
		20	'major improvement necessary'
		25	'urgent improvement necessary'
Compliance with structural requirements	<b>Cleanliness and condition of facilities and building</b> Cleanliness and condition of facilities and building (including having appropriate layout, ventilation, hand washing facilities and pest control) to enable good food hygiene	0	'very good'
		5	'good'
		10	'generally satisfactory'
		15	'improvement necessary'
		20	'major improvement necessary'
		25	'urgent improvement necessary'
Confidence in management/control procedures	<b>Management of food safety</b> System or checks in place to ensure that food sold or served is safe to eat, evidence that staff know about food safety, and the food safety officer has confidence that standards will be maintained in the future.	0	'very good'
		5	'good'
		10	'generally satisfactory'
		20	'major improvement necessary'
		30	'urgent improvement necessary'

## Appendix 4 – Letter for provision of intervention information from ‘inspecting authority’ to ‘registering authority’ or to ‘responsible authority’

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[Lead officer for food at ‘registering’ or ‘responsible’ authority]

[District Council name]

[District Council address]

[Date]

Dear [Name of Lead officer for food],



### **Mobile trader – intervention findings**

[Name of food business operator]

[Name of mobile food establishment]

[Registered address of mobile food establishment]

Please find attached, details of a recent intervention undertaken of the above mobile trader.

The hygiene standards found at the time of intervention are outlined in the inspection report, a copy of which is enclosed.

If you require any further information, please contact me – my details are:

Telephone: [direct line number]

Email: [email address]

Yours sincerely,

[Officer’s name]

[Officer’s job title]

**FOOD HYGIENE RATING****Mobile trader – intervention details**

<b>Business details</b>	
Name of food business operator	
Trading name of business	
Business address or address where mobile unit ordinarily kept	
Vehicle registration (or if a stall or trailer – any identifying number, name or feature)	(If available a photograph of the mobile unit could be included to assist identification)
Nature of business – e.g. hot food takeaway	
Registering authority and contact (if known)	
<b>Intervention details</b>	
Date and time of intervention	
Trading location when intervention took place	
Name(s) of person(s) seen	
<b>Annex 5 scores</b>	
Compliance with food hygiene and safety procedures	
Compliance with structural requirements	
Confidence in Management/control procedures	
<b>Food hygiene rating</b> (based on these scores)	
<b>Inspecting officer's details</b>	
Name	
Designation	
Telephone	
Email	
District Council name and address	

## Appendix 5 – Template food hygiene inspection report

### **SCHEDULE A – LEGAL REQUIREMENTS**

You are required to address the following contraventions of food safety law before the highest rating can be given:-

[This paragraph should be removed for businesses being given a rating of 5]

<b>Food Hygiene &amp; Safety Procedures</b>	
<b>(Delete as appropriate)</b>	
<b>Compliance Level</b>	<b>High standard of compliance with statutory obligations and industry codes of recommended practice: conforms to accepted good practices in the trade. [Risk Score = 0].</b>
<b>Compliance Level</b>	<b>High standard of compliance with statutory obligations, industry codes of recommended practice and minor contraventions of food hygiene regulations. Some minor non-compliance with statutory obligations and industry codes of recommended practice. [Risk Score = 5].</b>
<b>Compliance Level</b>	<b>Some non-compliance with statutory obligations and industry codes of recommended practice. Standards are being maintained or improved. [Risk Score = 10].</b>
<b>Compliance Level</b>	<b>Some major non-compliance with statutory obligations – more effort required to prevent fall in standards. [Risk Score = 15]</b>
<b>Compliance Level</b>	<b>General failure to satisfy statutory obligations – standards generally low. [Risk Score = 20].</b>
<b>Compliance Level</b>	<b>Almost total non-compliance with statutory obligations. [Risk Score = 25].</b>

<b>Structural/Cleaning Issues</b>	
<b>Compliance Level</b>	<b>High standard of compliance with statutory obligations and industry codes of recommended practice: conforms to accepted good practices in the trade. [Risk Score = 0].</b>
<b>Compliance Level</b>	<b>High standard of compliance with statutory obligations, industry codes of recommended practice and minor contraventions of food hygiene regulations. Some minor non-compliance with statutory obligations and industry codes of recommended practice. [Risk Score = 5].</b>
<b>Compliance Level</b>	<b>Some non-compliance with statutory obligations and industry codes of recommended practice. Standards are being maintained or improved. [Risk Score = 10].</b>
<b>Compliance Level</b>	<b>Some major non-compliance with statutory obligations – more effort required to prevent fall in standards. [Risk Score = 15].</b>
<b>Compliance Level</b>	<b>General failure to satisfy statutory obligations – standards generally low. [Risk Score = 20].</b>
<b>Compliance Level</b>	<b>Almost total non-compliance with statutory obligations. [Risk Score = 25].</b>

<b>Confidence in Management/Control Procedures</b>	
<b>Compliance Level</b>	<b>Good record of compliance. Access to technical advice within organisation. Will have satisfactory documented HACCP based food safety management procedures, which may be subject to external audit process. Audit by Food Authority confirms compliance with documented procedures with few/minor non-conformities not identified in the system as critical control points. [Risk Score = 0].</b>
	<b>Reasonable record of compliance. Technical advice available in-house or access to, and use of, technical advice from trade associations and/or from Guides to Good Practice. Have satisfactory documented procedures. Able to demonstrate effective control of hazards. Will have satisfactory documented food safety management system. Audit by Food Authority confirms general compliance with procedures. [Risk Score = 5].</b>
	<b>Satisfactory record of compliance. Access to and use of technical advice either in-house, from trade associations and/or from Guides to Good Practice. Understanding of significant hazards and control measure in place. Making satisfactory progress towards a documented food safety management system/procedures commensurate with type of business. [Risk Score = 10]</b>
	<b>Varying record of compliance. Poor appreciation of hazards and control measures. No food safety management system. [Risk Score = 20].</b>
	<b>Poor track record of compliance. Little or no technical knowledge. Little or no appreciation of hazards or quality control. No food safety management procedures. [Risk Score = 30].</b>

**SCHEDULE B – RECOMMENDATIONS**