

Dartford Borough Council National Food Hygiene Rating Scheme Policy

National Food Hygiene Rating Scheme Policy

Purpose

To define the policy for the posting of food hygiene inspection rating information on the internet as a food hygiene award system (The National Food Hygiene Rating)

Target Audience

Food Safety Officers, Food Business Operators and members of the public

Legislation

Freedom of Information Act 2000

Environmental Information Regulations 2004

Article 3 of EC Regulation No 882/2004

References

Food Law Code of Practice Annex 5

Documentation

www.food.gov.uk/ratings

Policy and procedure

Whilst it is not a legal requirement either for Local Authorities or food proprietors to publicise the results of food hygiene inspections, there is a public demand for this type of information. Of the local authorities that have undertaken to provide such information, some have chosen to provide full details of their inspection reports, and others just provide a summary of the risk scores carried out in fulfilment of the requirements of Annex 5 of the Food Law Code of Practice. Dartford Borough Council has chosen to implement the Food Standards Agency's National Food Hygiene Rating award scheme. The relevant individual scores and award rating for each premises will be posted on an Internet web site. Food business operators will be given a certificate and a window sticker which they may display on their premises.

Scope

The National Food Hygiene Rating scheme has categories of identification of establishments;

Examples of the types of business included in these categories may be found at

<http://www.food.gov.uk/enforcement/auditandmonitoring/laems/definitions/>

Excluded: These are establishments that do not supply food direct to consumers and are not scored under the scheme. These included primary producers, manufacturers and packers, importers and exporters, distributors (including wholesalers and other inter-business suppliers) and transporters.

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

Included: These are food establishments to which registration requirements apply and which supply food directly to consumers for consumption either on or off the premises. This category include:-

- a. Caterers such as restaurants, cafes, takeaways, sandwich shops.
- b. Other places that people eat food prepared/cooked/served outside of the home, such as Public Houses, Hotels, Boarding Establishments, Schools, Hospitals and Residential Care Homes.
- c. Retailers such as Supermarkets, Bakeries and Delicatessens
- d. Home Caterers

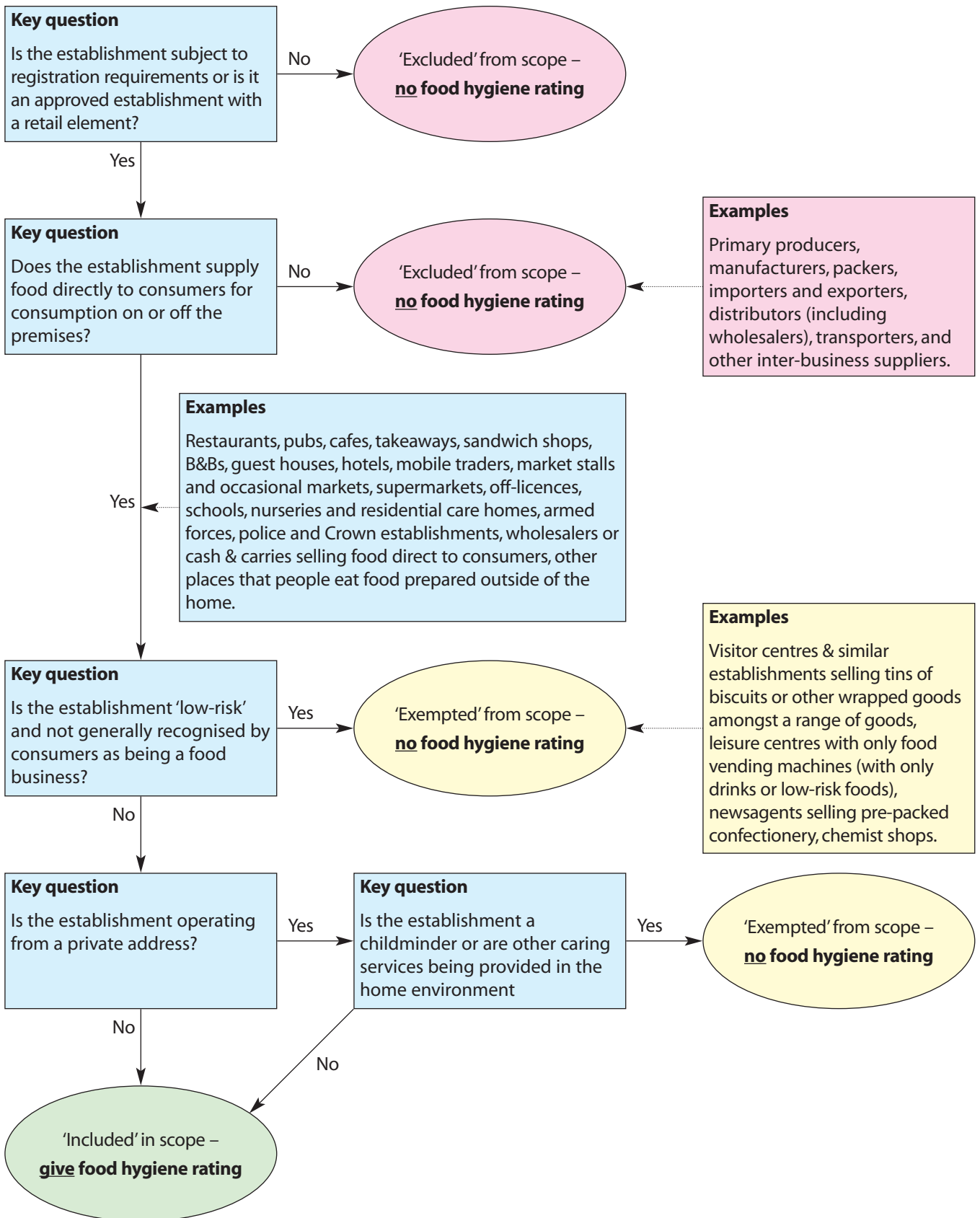
Approved establishments may have a retail element. Although this retail element does not require a separate registration, it will fall within the scope of the scheme and should receive a score when it is inspected, unless it is covered by certain exemptions.

Exempt: These are establishments that are:

- a. A low-risk to people's health in terms of food safety and would not normally be thought of as a food business as the food activity is only a small element of the businesses in comparison with its main activity. This includes:-
 - 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
 - Chemist Shops selling pre-packed confectionery and/or health foods.
- b. Childminders and business that offer caring services at home.

These types of business can ask to receive a food rating if the food business operator perceives their establishment to be a food business. This provides a safeguard to the operator where they consider that a lack of score is prejudicial to trade.

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



Operation of the National Food Hygiene Rating

The Rating

The scheme will be carefully managed. Dartford Borough Council will identify the catering premises in its area that will be included in the scheme. Food business operators will be notified, in writing, of their inspection score before the information is posted on the internet. Food business operators will also be given the opportunity to appeal against the scoring decision, or to make comments on the right of reply section of the site.

The award scheme will be updated as primary inspections (as defined by the Food Law Code of Practice and EC Regulation 882/2004) are carried out, in line with the inspection rating system in annex 5 of the Food Law Code of Practice.

The Hygiene Rating award will be derived only from three elements of the overall inspection scores. These are those that are generated from the Food Hygiene, Structure of the Premises and Confidence in Management elements of the inspection. These scores will be in line with the inspection rating system in annex 5 of the Food Law Code of Practice.

The rating given depends on:

- how well the business does overall - the total numerical score; but
- also reflects the numerical score for the criteria for which the business performance is poorest - the highest of the three scores.

Total score	0-15	20	25-30	35-40	45-50	>50
Additional scoring factor	No score >5	No score >10	No score >10	No score >15	No score >20	-
Rating	5	4	3	2	1	0
Descriptor	Very Good	Good	Satisfactory	Improvement Necessary	Major Improvement Necessary	Urgent Improvement Necessary

These scores will only be assessed at the time of the primary inspection and this is the score that is intended to be publicised on the Internet.

The Inspection

All inspections which involve a rating for the Hygiene Rating Scheme will be undertaken by officers of Dartford Borough Council who have received consistency training in the undertaking of National Food Hygiene Rating inspections. The Environmental Health Manager will be responsible for ensuring that each officer is suitably trained, and that this training, any retraining or consistency exercises are documented.

Primary inspections will normally be unannounced and may be carried out at any time that the business is open for trading.

Food business operators are encouraged to discuss the inspection and findings with the inspecting officer at the conclusion of the inspection. A letter of the main findings will be left at the premises before the inspecting officer leaves the premises.

A letter of confirmation of the National Food Hygiene Rating will be sent on completion of the inspection to those food business operators who receive a Rating of 5 within 14 days of the primary inspection. The appropriate sticker and certificate will be sent with this letter.

For those establishments that receive a Rating of 4 or below, the FBO will receive an intervention report within 14 days of the primary inspection.¹ The appropriate sticker will be sent with this report.

The intervention report will give the individual scores for each element of the National Food Hygiene Rating, and the appropriate measures that are required to be taken to remedy the situation. The intervention report will be accompanied by an Appeals letter, a Right of Reply and a Request for Re-visit letter. A copy of the intervention report is attached as appendix 1.

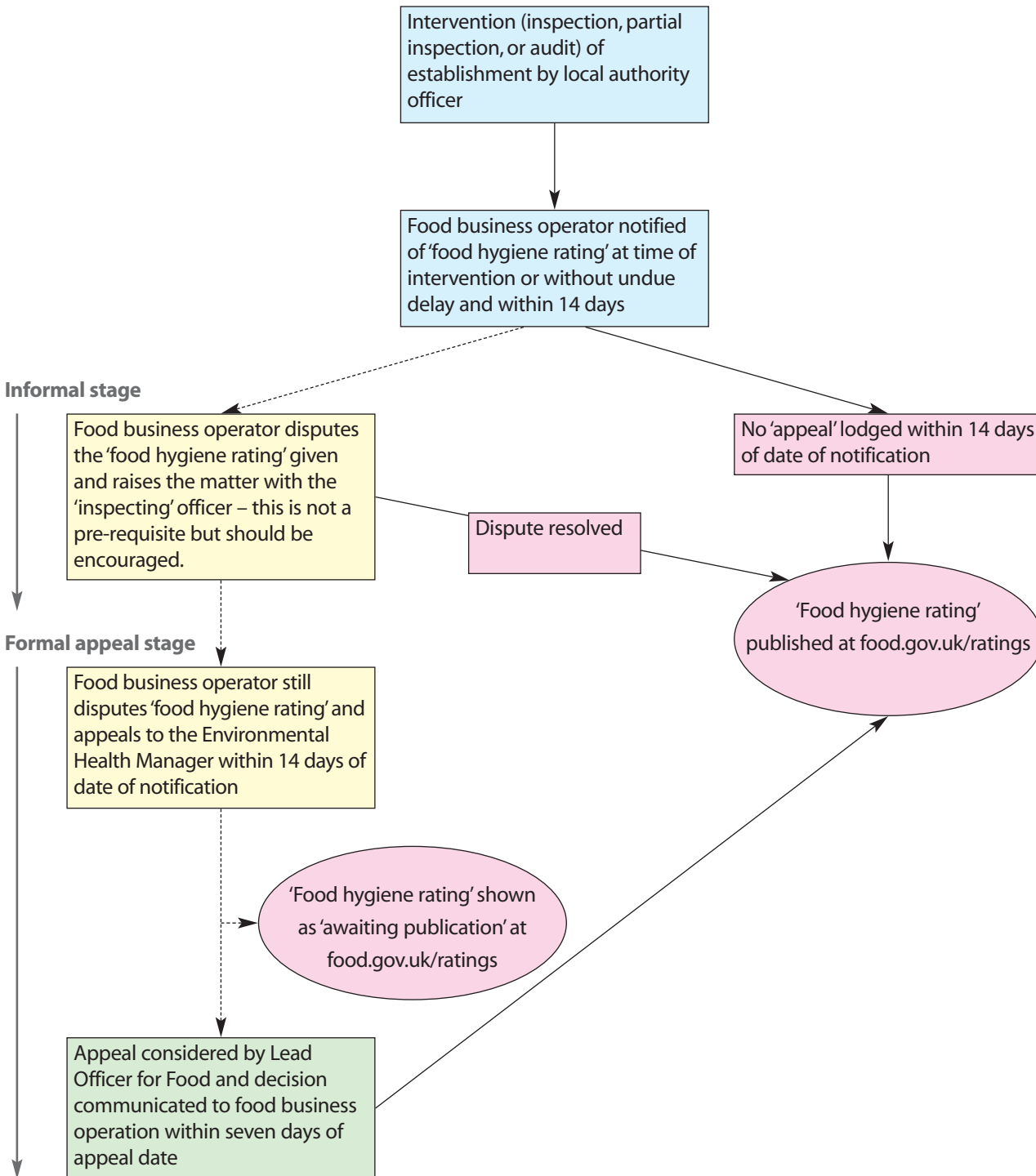
Receipt of the National Food Hygiene Rating intervention report will initiate the start of the 'appeal' period.²

No subsequent visits will be scheduled with a view to modifying the scores given, or re-scoring premises even if remedial works have been completed. The score will stand until the next primary inspection is carried out.

¹ Where reference to numbers of 'days' are made in this section it includes weekends and bank holidays.

² The rule established by section 7 of the Interpretation Act 1978 will be applied for the purposes of notifying the score to food business operators. Section 7 is concerned with the service of documents by post. Under that rule as applied for the purposes of notifying the score to food business operators, notification will be regarded as having been given by properly addressing, pre-paying and posting a letter informing the food business operator of the score. It will be regarded as being effective at the time at which the letter would be delivered in the ordinary course of post. All notifications will be sent by first class post. A letter sent by first class post is taken to be delivered on the second working day after posting.

Flowchart illustrating the appeals procedure



Notes

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

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

Appeals

If a food business operator considers that the score given by the 'inspecting officer' (i.e. the officer undertaking the intervention – an inspection, partial inspection or audit) is unjust, they may appeal this with the Environmental Health Manager, Dartford Borough Council.

Although not part of the National Food Hygiene Rating scheme, the food business operator may still use the Dartford Borough Council's formal complaints procedure if they are dissatisfied with any aspect of the Council's services. www.dartford.gov.uk

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

An appeal is not appropriate in circumstances where a food business operator has requested a re-inspection/re-visit for re-scoring on the basis that non-compliance(s) identified at the time of the initial intervention have been rectified. A food business operator, however, may appeal after a re-inspection/re-visit if they consider that the 'new' score given is unjust

The Appeals Submission Form is attached as Appendix 2. The completed form must be completed and returned to the Environmental Health Manager within 14 days of receipt of the Intervention Report.

During the 14 day 'Appeal' period, the score will not be displayed on the national website.

After that period has expired, the score will be published on the national website if no appeal has been lodged.

On receipt of a completed Appeals Form, the Environmental Health Manager, or nominated deputy, will investigate the appeal and make a fair judgement.

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

The Environmental Health Manager's decision should be communicated to the food business operator as early as possible and within a maximum of seven days from the date that the appeal was lodged, after which time the score will be published on the national website.

If the food business operator disagrees with the outcome of the appeal, they can challenge the decision by means of judicial review.

The food business operator has recourse to Dartford Borough Council's complaints procedure (including taking the matter to the Local Government Ombudsman where appropriate) if they consider that a council service has not been properly delivered. www.dartford.gov.uk

Right of Reply

If a food business operator accepts the notified score, there is a 'right of reply' procedure which will be published on the website with the score. The purpose is to enable the food business operator to give an explanation of subsequent actions that have been taken to rectify non-compliances or mitigation for the circumstances at the time of the inspection, rather than to complain or criticise the scheme or 'inspecting officer.'

Food business operators will be able to send comments electronically or in writing to Dartford Borough Council. The text may be edited by the Council before being published on the website in order to remove any offensive, defamatory, clearly inaccurate or irrelevant remarks.

A copy of the standard template form for submitting a 'right of reply' is provided at Appendix 3.

Re-visits

A re-visit may be requested by a food business operator, following an appropriate planned intervention (an inspection, partial inspection or audit, undertaken by Dartford Borough Council), where the establishment has been given a National Food Hygiene Rating, if the food business operator has taken action to rectify non-compliances identified.

The request should be made in writing (including email) and should outline the case for a re-inspection/re-visit, i.e. it should indicate the actions that have been taken by the food business operator to rectify the non-compliance(s) identified at the planned intervention and, where appropriate, should include supporting evidence. A template copy of the Request Form is attached at Appendix 4.

The supporting case should refer to those actions that Dartford Borough Council informed the food business operator would need to be made in order to improve the level of legal compliance.

For each planned intervention where a score has been given by Dartford Borough Council, a food business operator can have only one requested re-inspection/re-visit, other than in duly justified exceptional circumstances.

Although the food business operator can make the request at any time after the planned intervention, the re-inspection/re-visit will not in general take place until three months have elapsed (the 'stand still' period) since the intervention at which the original score was given.

At Dartford Borough Council's discretion, the requested re-inspection/re-visit can be undertaken during the 'stand still' period in cases where the non-compliances identified at the time of the planned inspection, and which have since been rectified, concerned only the need for permanent structural improvements or repairs or upgrading of equipment.

It may be appropriate for a Dartford Borough Council officer to discuss progress by telephone to establish what remedial action has been taken to ensure that the re-inspection/re-visit is appropriately timed and to confirm that all matters of non-compliance have been addressed.

The re-inspection/re-visit must, however, take place within three months of the end of the three month 'stand still' period, or within three months of the request where this is made after the 'stand still' period. This means that six months is the maximum amount of time a business should have to wait for a re-inspection/re-visit after making a request.

If the re-inspection/re-visit is not carried out with the three month window the food business operator can raise the issue with the Environmental Health Manager. If the matter cannot be resolved, the food business operator has recourse to the Dartford Borough Council complaints procedure.

If the case made by the food business operator is not substantiated or insufficient evidence is provided, Dartford Borough Council can refuse to undertake a re-inspection/re-visit on that basis. In doing so, Dartford Borough Council must explain why the request is being refused at this stage and should re-emphasise the priority actions that must be taken in order to improve the level of legal compliance and indicate what evidence will be required for agreement to a re-inspection/re-visit to be made on further request.

If a food business operator disagrees with the Dartford Borough Council's decision to refuse a request for a re-visit, they can raise the issue with the Environmental Health Manager. If the matter cannot be resolved, the food business operator has recourse to Dartford Borough Council's complaints procedures.

A re-inspection/re-visit must be made. A new score will not be given on the basis of documentary evidence only.

The re-inspection/re-visit will be unannounced unless it is necessary to ensure that certain staff are present and it does not compromise food safety.

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

Currently no charges are made for re-inspection/re-visits in relation to the National Food Hygiene Rating. This however is being reviewed.

National Food Hygiene Rating Certificates and Stickers

National Food Hygiene Rating Certificates and Stickers awarded to food business operators remain the property of Dartford Borough Council. The Certificates and Stickers must be returned to the Council when properly requested.

Only Certificates and Stickers current with the latest inspection/ visit can be displayed.

When a new Rating letter is issued, the previous sticker and certificate should be removed. This will be replaced by the new sticker and certificate issued.

It should be noted that the display of misleading stickers and certificates may constitute an offence, for example an offence under the Consumer Protection from Unfair Trading Regulations 2008, which impose a general prohibition on unfair commercial practices. The Office of Fair Trading, local authority trading standards service in Great Britain enforce the Regulations.

Appendix 1: Intervention report template

FOOD HYGIENE RATING

Food business establishment/food premises intervention report

Business details	
Name of the food business operator/food business proprietor	
Trading name	
Business/Branch and Head Office addresses	
Registered address (if different)	
Type of business	
Intervention details	
Date, time and intervention type (to be specified)	
Specific food law under which intervention conducted	
Areas inspected/audited (to be specified)	
Name(s) of person(s) seen and/or interviewed	
Documents and/or other records examined (to be specified)	
Samples taken (to be specified)	
Key points discussed during the visit (to be specified)	
Action to be taken by the Food authority (to be specified)	

Priority actions/improvements necessary	
Compliance with food hygiene and safety procedures	
Compliance with structural requirements	
Confidence in management/control procedures	

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

Notes for food business operator
<ul style="list-style-type: none"> • If you consider that the rating given is unjust, you may appeal this with the local authority Environmental Health Manager or in his/her absence, by the designated deputy. • A weblink to information on the scheme including template forms for lodging an appeal or 'right to reply' is available at A paper copy will be provided on request.

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

Please now return this form to: The Environmental Health Manager, Dartford Borough Council, Civic Centre, Home Gardens, Dartford, Kent DA1 1DR

Appendix 2

FOOD HYGIENE RATING

Food Hygiene Rating Scheme Appeal form

Notes for businesses

- As the food business operator of the establishment, you have a right to appeal the food hygiene rating given following your inspection if you do not agree that the rating reflects the hygiene standards and management controls found at the time of the inspection.
- You have 14 days (including weekends and bank holidays) from the date of receipt of the notification letter to lodge an appeal.
- Please use the form below and return it to the address at the bottom of the page.
- The Environmental Health Manager will review your score and communicate the outcome of your appeal to you within seven days.

Food business operator/proprietor			
Business name			
Business addresses			
Date of inspection		Food hygiene rating given	
Date notified of rating			
<input type="checkbox"/> I do not agree with the food hygiene rating given by the inspecting 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			
Signed			
Name in capitals			
Position			
Date			

Please now return this form to: The Environmental Health Manager, Dartford Borough Council,
Civic Centre, Home Gardens, Dartford, Kent DA1 1DR

Appendix 3: Right to Reply Form

FOOD HYGIENE RATING

Food Hygiene Rating Scheme Right to Reply form

Notes for businesses

- As the food business operator of the establishment, you have a right to reply in respect of the score given following your inspection.
- The purpose is to enable you to give an explanation of subsequent actions that have been taken to make the required improvements as detailed in the inspection letter, or to explain mitigation for the circumstances at the time of the inspection. It is not for making complaints or for criticising the scheme or inspecting officer.
- If you wish to use this right of reply, it will be displayed on the website with your score.
- Please use the form below and return it to the address at the bottom of the page.
- Your comments will be reviewed by the inspecting officer and may be edited before being published on the website in order to remove offensive or defamatory remarks.
- The website will state that the accuracy of your comments has not been verified by our officers.

Food business operator	
Business name	
Business address	

I agree with the inspection results but have since carried out the following improvements (tick all that apply):

- The establishment has been thoroughly cleaned.
- 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 supervision.
- Other – please expand below and use only the space provided:

.....

.....

.....

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):

.....

.....

.....

Signed		Name	
Position		Date	

Your website entry may be viewed by visiting www.dartford.gov.uk or www.food.gov.uk/ratings
Once completed, please return this form to Environmental Health Services, Dartford Borough Council,
Civic Centre, Home Gardens, Dartford, Kent DA1 1DR

Appendix 4: Request to Revisit Form

FOOD HYGIENE RATING

Food Hygiene Rating Scheme Revisit Request form

Notes for businesses

- As the food business operator of the establishment, you have a right to request a re-visit following an intervention which resulted in a rating being applied for the National Food Hygiene Rating.
- You make this request at any time after the original inspection, however the re-inspection/re-visit will not in general take place until three months have elapsed (the 'stand still' period) since the original inspection.
- You should identify below all the remedial actions taken. All items of non compliance notified must have been remedied before the re-inspection/re-visit can take place. Please record the actions you have taken in the relevant box below.
- The re-inspection/re-visit must, take place within three months of the end of the three month 'stand still' period, or within three months of the request where this is made after the 'stand still' period.
- At the time of the re-inspection/re-visit, the officer will not only check that the required improvements have been made, but will also assess the level of compliance that is found overall. This means that the score could go up, down, or remain the same if deemed appropriate by the officer.
- Please use the form below and return it to the address at the bottom of the page.
- Your request for a Re-visit will be acknowledged, but the re-inspection/re-visit will be unannounced.

Food business operator/ proprietor	
Business name	
Business address	
Compliance with food hygiene and safety procedures	
Compliance with structural requirements	
Confidence in management/ control procedures	
Signed	
Name in capitals	
Position	
Date	

Please now return this form to: The Environmental Health Manager, Dartford Borough Council,
Civic Centre, Home Gardens, Dartford, Kent DA1 1DR

Food Hygiene Rating Scheme Request for Revisit

Notes for businesses

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

Food business operator/ proprietor			
Business name			
Business addresses			
Business tel no			
Business email			
Date of inspection		Food hygiene rating given	

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

Compliance with food hygiene and safety procedures	
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).

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Signed	
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Name in capitals	
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Position	
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Date	
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Please now return this form to: The Environmental Health Manager, Dartford Borough Council,
Civic Centre, Home Gardens, Dartford, Kent DA1 1DR