



The Food Hygiene Rating Scheme

The Food Hygiene Rating (Wales) Act 2013 and associated regulations came into force on November 2013. The Act establishes a mandatory food hygiene rating scheme for Wales that will replace the scheme currently operated by local authorities and the Food Standards Agency. This scheme is designed to help consumers choose where to eat out or shop for food by providing information about the hygiene standards in restaurants, pubs, cafes, takeaways, hotels etc., as well as the supermarkets and other food shops.

From November 2014 trade to trade food businesses (such as manufacturers and wholesale providers) will come within the scope of the Food Hygiene Rating (Wales) Act 2013. Businesses that supply food to other businesses, and which are inspected by their local authority, will be given a food hygiene rating after this date.

Ratings

The hygiene standards found at the time of the inspection are rated on a scale. At the bottom of the scale is a '0' – this means urgent improvement is necessary. At the top of the scale is a '5' – this means the hygiene standards are very good. The rating you are given shows how well you and your business are complying with food hygiene law. To get the top rating of '5', businesses must demonstrate a high standard of compliance in all three elements of the inspection (see below.)



Inspections

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

- Hygiene – how the food is prepared, cooked, re-heated, cooled and stored.
- Structure - The condition of the structure of the buildings – including the cleanliness, layout, lighting, ventilation and other facilities.
- Confidence in Management - How food safety within the business is managed and how the business records what it does to make sure food is safe.

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

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

Display

Following notification of your rating you will be required under the Act to display the sticker provided by your local authority. You will normally need to do this in 21 days from the date you receive the notification (this is how long you have to make an appeal.) You may display your rating before the end of this 21 day period if you decide not to make an appeal.

The Act requires that you must display your sticker at or near each entrance to your premises that is available for use by customers. Stickers must be in a conspicuous place where they are capable of

being easily read by customers before they enter the establishment when it is open for business.

Telling the customer

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

Removal of sticker

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

Appeal

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

The appeal will be considered by an officer from the authority, who was not involved in the original assessment of the food hygiene rating being appealed. The local authority must decide the appeal and notify you of the outcome within 21 days of receiving the appeal. If you do make an appeal you will need to display the relevant sticker after the appeal has been decided.

Re-rating

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

Your request must be made in writing, on the standard revisit request form and you must provide information on the improvements that have been made to the hygiene standards. You must continue to display

your current rating sticker as required, at the time when making the request for a re-rating, until you have been notified of the outcome of the re-rating visit.

The re-rating revisit will take place within three months of the request being made by the business, and you will not be informed in advance of the specific date and time of the visit. Although it is anticipated that most re-rating revisits will lead to an improved rating it is possible for a lower rating to be given if standards have otherwise fallen. There will be a charge of £150 for the re-rating visit.

Right to reply

Businesses have a “Right to Reply”. The right to reply allows food business operators to comment on the rating given to the business. For example, a business may wish to publish information in relation to what they consider to be particular circumstances at the time of the inspection that affected the rating. These comments must be made in writing to the local authority using the standard Right to Reply form. The form should be forwarded to the local authority who will forward to the FSA who may publish the comments on the Agency’s website, along with the rating.

Failure to display your rating sticker

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

Further Assistance

For further advice on the Food Hygiene Rating (Wales) Act 2013 or any other queries relating to food law contact Public Protection Department, Bridgend County Borough Council, tel: 01656 643480

e-mail: publicprotection@bridgend.gov.uk.

This leaflet is available in Welsh on request.