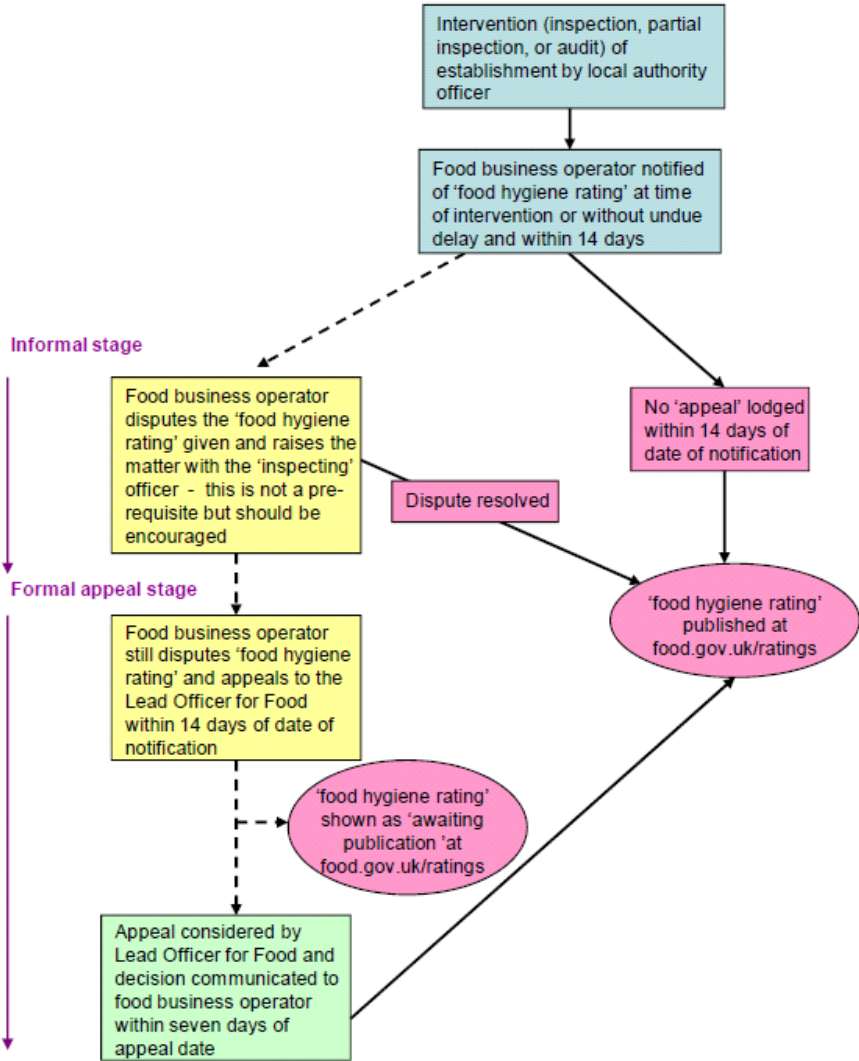


**FOOD HYGIENE RATING SCHEME
APPEALS PROCEDURE**

- 1. To ensure fairness to businesses an appeals procedure is in place for food business operators (FBO) to dispute the food hygiene rating given in respect of their establishment if they consider it to be unjust.
- 1.1 The appeals procedure is illustrated in the following flow chart.

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 Lead Officer for Food (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.

1.2 Further guidance in Q&A format is provided below.

Q1 How long does an FBO have to appeal the food hygiene rating before it is published?

A1 The appeal has to be made in writing within the period of 14 days beginning with the date of notification.

Note: “Days” includes weekends and bank holidays.

A standard template form is available at www.lancaster.gov.uk/foodratings or the Food Standards Agency at www.food.gov.uk/ratings

Q2 How should appeals be handled?

A2 In the first instance, the FBO is encouraged to discuss the issue informally with the inspecting officer who can clarify and explain further how the rating was derived. Every effort should be made to resolve the matter at this stage before resorting to the appeal procedure.

If the dispute is not resolved informally, the FBO may lodge an appeal in writing using the prescribed form and the matter will be considered by the food safety team manager or designated deputy.

The manager’s decision will be communicated to the FBO as soon as possible and within a maximum of 7 days from the date that the appeal was lodged.

Q3 Where the food hygiene rating is being appealed should the rating in dispute be published at www.food.gov.uk/ratings and displayed at the establishment?

A3 No. Until the outcome of the appeal is determined by the food safety team manager, www.food.gov.uk/ratings will show that for the establishment in question, the assessment of hygiene standards is ‘awaiting publication’.

Q4 Should appeals lodged later than 14 days after the notification of the food hygiene rating be considered?

A4 No. Appeals must be made within 14 days of the notification of the food hygiene rating.

Q5 Can an FBO appeal a ‘new’ food hygiene rating given following a re-inspection/re-visit that they have requested?

A5 Yes. As with the initial assessment, an FBO may appeal in such cases if it is considered that the ‘new’ food hygiene rating is unjust. Appeal must be made within 14 days of the notification of the rating.

Q6 When will the food hygiene rating be published at www.food.gov.uk/ratings following an appeal?

A6 When the food safety manager has reviewed the ratings and communicated the outcome of the appeal to the FBO.

Q7 What happens if the FBO disagrees with the outcome of the appeal?

A7 The FBO can challenge the Council's decision by means of judicial review.

The FBO has recourse to the 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.

Q8 Is the Lancaster City Council's complaints procedure part of the appeal process?

A8 No. Sufficient legal protection is given to FBO, if appeals against a disputed food hygiene rating are determined by the lead officer for food. There is no legal requirement for the Council' complaints procedure to form part of the FHRS appeals procedure.