

FOOD HYGIENE RATING SCHEME REQUEST FOR RE-INSPECTION/RE-VISIT PROCEDURE

1. The re-inspection/re-visit mechanism applies in cases where a food business operator (FBO) has made the necessary improvements to comply with contraventions identified during the last inspection of their establishment and makes a request to be re-assessed with a view to receiving a higher rating.
2. This guidance is designed to outline the procedure for dealing specifically with re-inspections/re-visits requested by the FBO for re-rating purposes and **not** those undertaken in the course of normal follow-up enforcement action.
3. Further guidance in Q & A format is provided below.

Q1 **How does the FBO know what improvements are required?**

A1 Written confirmation of the hygiene rating will always be given following the inspection together with details of why the establishment was rated as it was and, in cases where the top rating has not been achieved, what priority actions are needed for each of the 3 elements that are used for the Food Hygiene Rating Scheme (FHRS) in order to improve the level of legal compliance.

Q2 **Is there a time limit within which a request for a re-assessment must be made?**

A2 No. The FBO can make a request at any time after the inspection as long as the actions necessary to rectify the non-compliances have been carried out.

Q3 **What form should the request for a re-assessment take?**

A3 The request must be in writing (including email) and should outline the case for a re-inspection/re-visit, ie, it should indicate the actions that have been taken by the FBO to rectify the non-compliance(s) identified at the last inspection and, where appropriate, should include supporting evidence.

A standard template form is available at www.lancaster.gov.uk/foodratings for FBO's to use.

Q4 **Must the council accede to all requests for re-assessment?**

A4 No. If the case made by the FBO is not substantiated or insufficient evidence is provided, the council can refuse to undertake a re-inspection/re-visit on that basis. In doing so, we will explain why the request is being refused at this stage and indicate what further actions or evidence will be required.

If the FBO disagrees with the decision to refuse a request, they can raise the issue with the food safety manager.

Q5 Where the case for a re-inspection/re-visit is substantiated, when should this take place?

A5 Although the FBO can make the request at any time after the routine inspection, the re-inspection/re-visit will not take place until 3 months has elapsed since the inspection which is referred to as the 'stand still' period.

The re-inspection/re-visit will then take place within the next 3 months after the 'stand still' period. This means that 6 months is the maximum amount of time a business should have to wait after making a request.

At our discretion, we will consider undertaking a re-visit during the 'stand still' period in cases where the non-compliances only relate to the need for permanent structural improvements or repairs or the upgrading of equipment.

Q6 Does a re-inspection/re-visit have to be made or can a new food hygiene rating be given on the basis of documentary evidence?

A6 A visit must be made. A new rating cannot be given on the basis of documentary evidence only.

Q7 Where a re-inspection/re-visit is to be undertaken, should this be unannounced?

A7 Yes. Such a visit should be unannounced unless it is necessary to ensure that certain staff are present.

Q8 What happens if the re-assessment visit is not carried out within the 3 month window?

A8 The FBO can raise the issue with the food safety manager.

Q9 How many requested re-assessments can an FBO have?

A9 For each routine inspection an FBO can have only one requested re-inspection/re-visit.

Q10 Can the food hygiene rating be changed if the council re-visits the establishment without a request from the FBO?

A10 It is expected that for poorer performing establishments, re-visits will take place in the course of normal follow-up enforcement action in accordance with the council's enforcement policy. In these cases, if an assessment of the level of compliance overall is made and has changed, the food hygiene rating can be changed accordingly.

Q11 If hygiene standards have not improved or have deteriorated at the time of the revisit, should a lower rating be given?

A11 Yes. The food hygiene rating could go up, down or remain the same if deemed appropriate by the food safety officer.

Q12 Can a fee be charged?

A12 Councils can only impose charges for such re-inspections/re-visits if they have the statutory powers to do so. It is the Food Standards Agency's (FSA) view that such powers do not exist in current food legislation.

The FSA is not opposed in principle to charging for such requested re-inspections/re-visits as part of the FHRS and the possibility of this is being considered by the FSA for the longer term.