
**Bath & North East
Somerset Council**

Improving People's Lives

Food Safety Team

Food Hygiene Rating Scheme policy update

July 2022 (updated August 2023)

From the 1st July 2022, the Food Safety team at Bath & North East Somerset Council changed its policy on re-scoring.

This policy is aimed at Food Business Operators registered in the Bath & North East Somerset area who have an existing food business or are in the process of setting up a new food business.

Background

The COVID-19 pandemic caused a large backlog of routine food hygiene inspections. The Council's Food Safety Team returned to routine inspections in early 2022 in line with the Food Standards Agency's Recovery Plan for local authorities.

The Food Safety team have found a number of new and existing businesses with poor standards; these businesses have been awarded lower Food Hygiene Ratings. Food Hygiene Ratings have become increasingly important to businesses, as private delivery companies can have a minimum rating needed for a business to operate via their service.

This policy has been implemented to:

- clarify what a business' re-scoring options are following an inspection visit.
- ensure the Food Hygiene Rating Scheme is operated consistently and fairly for businesses operating in the Bath & North East Somerset area.
- bring our approach to re-scoring businesses in line with that of neighbouring authorities.

Inspections and Food Hygiene Ratings

Food Hygiene Ratings are given to many businesses following their routine inspection by an officer from the Food Safety Team. Your existing Food Hygiene Rating can also be altered if an officer visits your business to investigate a complaint, and they find that standards have changed since the last inspection.

Food Hygiene Rating stickers are the property of Bath & North East Somerset Council; incorrect stickers found during a visit can be removed by the officer. Displaying an incorrect Food Hygiene Rating can constitute an offence under Trading Standards law.

How your rating is calculated

At inspection, the food safety officer will check how well you are meeting the law on food hygiene. Three areas are assessed. These are:

- how hygienically the food is handled – how it is prepared, cooked, cooled, stored, and what measures are taken to prevent food being contaminated
- the condition of the structure of the premises including cleanliness, layout, lighting, ventilation, equipment and other facilities
- how you manage and record what you do to make sure food is safe using a food safety management system (for example, Safer Food Better Business published by the Food Standards Agency)..







You will be given a score for each area – see below. Officers refer to the Food Hygiene Rating Scheme’s brand standard and other guidance to determine how to score in each of these areas.

Criteria	Score					
	0	5	10	15	20	25
How hygienically the food is handled	0	5	10	15	20	25
Condition of structure	0	5	10	15	20	25
How you manage and document food safety	0	5	10		20	30
Total score	0	—————→				80
Level of compliance	High	—————→				Low

Your food hygiene rating

The rating given depends on how well the business does overall – the total score. It also depends on the area(s) that need improving the most - the business may do better in some areas and less well in others.

To get the top rating, you must score no more than 5 in each of the three areas. All businesses should be able to get the top rating. You will automatically get a new rating at each planned inspection.

Total score	0 – 15	20	25 – 30	35 – 40	45 – 50	> 50
Highest permitted individual score	5	10	10	15	20	-
Rating						

Revisits to check progress on works

If the officer finds issues at your business that could present a significant food safety risk, they may revisit to check your progress with any works they have requested.

These revisits are undertaken as part of the team's statutory role, and the Food Hygiene Rating given following the initial inspection will not be changed following a revisit.

Publishing your rating

You will be notified of your new Food Hygiene Rating by the officer at the time of the inspection, or in writing following the inspection.

If your new rating is a '5' (Very Good), this will be published online within 14 days from your visit.

If your new rating is a '4' (Good) or less, it is subject to an appeal period and will be published online 25 days after the re-scoring visit. You can have the new rating published earlier than this if you do not plan to appeal; you will need to request this in writing, and confirm that you do not wish to appeal the rating. The rating will be published within 3 days of your request being submitted.

Requests for publishing ratings early must be made in writing to public_protection@bathnes.gov.uk or directly to the inspecting officer.

Appeals

If you have received a Food Hygiene Rating and do not think it reflects the standards that were seen during the inspection, you have a right of appeal. You can submit an appeal up to 21 days after being notified of the rating by letter.

Before you submit an appeal, you should speak with the inspecting officer first so they can explain why you were given your rating; you will have been given the officer's contact details during or shortly after the inspection visit. This does not affect the 21 day time limit for submitting an appeal.

Your appeal will be determined by the lead officer for food, and you will be notified of the outcome in writing within 21 days from when you submitted the appeal. Your new food hygiene rating will not be published online while your appeal is being determined.

Your appeal will either be:

Upheld – the rating will be changed by the lead food officer. A re-inspection may be undertaken by a food safety officer so a new rating can be awarded.

or

Rejected – the original rating will be published after 25 days from the original visit or as soon as you have been notified by the lead food officer, whichever is later.

To appeal, you will need to complete a [Food Hygiene Rating Appeal form](#) and email it to us at public_protection@bathnes.gov.uk or post this to Public Protection, Bath & North East Somerset Council, Lewis House, Bath, BA1 1JG.

If you are not satisfied with the outcome of your appeal, you are entitled to challenge the council's decision by judicial review. If you think the council have not followed processes properly, you can use the council's complaints procedure.

Re-scoring visits

If the officer is not planning to revisit the business to check progress with requested works, you can apply for a Food Hygiene Rating Re-scoring visit. You can apply for a Re-scoring visit using our [online form](#) once 3 months have passed from the date of the original inspection.

There is a fee of £194 for each Re-scoring visit. Re-scoring visits are charged-for on a cost recovery basis, as they are not visits that would be undertaken normally as part of the team's statutory role.

You will need to provide evidence to the officer who previously inspected that you have improved standards at the business **before** your application can be accepted. You should make sure that all of the works the officer raised from the visit have been addressed before you apply for a Re-scoring visit – you can send evidence of this through to the officer before you complete an application.

Once your application has been accepted, a member of our service support team will phone you to take payment by card. You will need to forward our service support team a copy of the receipt to confirm this (public_protection@bathnes.gov.uk). Payment will not be taken until 3 months have passed from the date of original inspection.

If your application is refused, we will write to you to explain why and what you need to do before your application can be accepted. If you do not agree with this you can raise your concerns with the lead officer for food.

Re-scoring visits will be not be carried out until at least 3 months have passed from the date of the initial inspection. These visits will be unannounced unless there is a reason for the inspecting officer to arrange the visit in advance; this is at the officer's discretion and will depend on your business' circumstances and opening hours. The

visit will be carried out within 1 month of payment by the officer who awarded the original rating.

Please be aware the inspecting officer cannot ignore any new issues that have appeared since the original inspection when awarding a new rating. Your rating can go up, down or remain the same based on the standards seen. You can apply for multiple Re-scoring visits, but further applications may be refused if you cannot demonstrate that requested works have been addressed.

Inspections undertaken before the 1st of July 2022

If your last routine inspection was before the 1st of July 2022, you can still request a free re-scoring visit once 3 months have passed from the date of your inspection. To request this, you will need to write to the inspecting officer. The officer will then undertake this visit within 3 months from the date you made the request.

Right To Reply

If you have improved hygiene standards since your last inspection, you can have comments published online with your Food Hygiene Rating to explain what you have done. You can also use this to explain any mitigation or unusual issues that were present at the time of the visit. **This is a free service, and is available to you at any time since your last routine inspection.**

We may edit your comments to remove offensive, defamatory, inaccurate, or irrelevant content. If any edits are made, we will write to you with a draft of these for you to comment on before publishing. You should not use this service to complain about, or criticise the Food Hygiene Rating Scheme or the officer who inspected your business.

If you are not appealing your rating and are planning to apply for a paid Re-scoring visit, we would recommend having comments published online with the 'Right To Reply' until then.

To have comments added using the Right to Reply, you will need to [complete a 'Right to Reply' application form](#) and email it to us at public_protection@bathnes.gov.uk or post this to Public Protection, Bath & North East Somerset Council, Lewis House, Bath, BA1 1JG.

Other information

If there are any delays in notifying you of your rating after the initial inspection, you will be told about this. If the rating is not a '5' (Very Good), the date of notification will be adjusted so the 21 day time limit for appeals will start for the date you were notified – this is so you are allowed the full time to decide whether you would like to appeal the initial rating.

Please be aware that any stated timescales are targets only, and it can take time to process applications for Re-scoring visits if evidence of works being carried out has not been provided.

Requests to publish your Food Hygiene Rating early or to add comments via the 'Right To Reply' may take additional time if the request is submitted on a Friday or before a bank holiday period. If we become aware of any delays, we will let you know.

Standard forms and links

Forms

Food Hygiene Rating Appeal form –

<https://www.food.gov.uk/sites/default/files/media/document/fhrs-appeal-form.doc>

'Right to Reply' application form -

https://www.food.gov.uk/sites/default/files/media/document/fhrs-right-to-reply-form_0_0.docx

Links

Our website - <https://www.bathnes.gov.uk/services/environment/food-safety>

Our Food Hygiene Rating Re-scoring service –

<https://www.bathnes.gov.uk/services/environment/food-safety/food-hygiene-rating-re-scoring>

Our complaints procedure - <https://beta.bathnes.gov.uk/make-complaint>

Further information

More information on the Food Hygiene Rating Scheme can be found on the Food Standards Agency's website, at:

Food hygiene ratings for businesses - <https://www.food.gov.uk/business-guidance/food-hygiene-ratings-for-businesses>

The Food Hygiene Rating Scheme: Guidance on implementation and operation – the Brand Standard - <https://fsa.riams.org/connected/lsc9TTpp1s>

'Business safeguards explained' -

https://www.food.gov.uk/sites/default/files/media/document/fhrs-safeguards-england_0.pdf