

Information note for food businesses in Scotland

Business Safeguards Explained

The 'Food Hygiene Information Scheme' (FHIS) is a local authority/Food Standards Scotland partnership initiative. The scheme provides consumers with information about hygiene standards in food premises at the time they are inspected by local authority food safety officers to check compliance with legal requirements – the food hygiene/FHIS outcome given reflects the inspection findings. The purpose is to allow consumers to make informed choices about the places where they eat out or shop for food thereby encouraging businesses to improve their hygiene standards.

In order to ensure that the scheme is fair to businesses, it has been designed to include a number of safeguards. These are:

- Request for a re-visit (when improvements have been made)
- Right to Reply
- Right to Appeal

Information for food businesses about these different safeguards is provided below. Forms for you to use for 'Right to Reply' or 'Right to Appeal' can be found [here](#).

Requested re-visits explained

What is the purpose of requested re-visits?

You will automatically be given a new FHIS outcome each time your premises are inspected by your local authority - the frequency of these planned inspections depends on the risk to people's health. The greater the risk, the more often you will be inspected.

If you are given a FHIS 'Improvement Required' and make the improvements to hygiene standards that the local authority food safety officer told you about at your last planned inspection you can ask for a re-visit before the next planned inspection so that the hygiene standards in your premises can be reassessed with a view to giving you a FHIS Pass.

Is there anything I should do before making a request for a re-visit?

You are recommended to look carefully at the comments that the food safety officer made about the hygiene standards found at your last inspection in the report or letter you were given and make sure that you have taken appropriate action to address any issues raised. You can discuss anything you are unsure about with your food safety officer or ask for further help on how to make improvements. This is important because you can only have one re-visit between the local authority's planned inspections of your premises. During the re-visit the officer will be looking at standards generally – not just at the specific areas you have been working to improve – so your FHIS 'Improvement Required' could become a FHIS 'Pass' or remain the same.

Will the re-visit cost me anything?

Not at the moment but it is possible that this may change in the future.

What should I do if I want to request a re-visit?

You should put your request in writing to the food safety officer that undertook the inspection of your premises – you will be given the contact details for this officer when you are notified about your FHIS outcome. You can do this by completing a standard form which you can download from this website or you can send a letter or an email. You must explain what actions you have taken on the issues raised at your last inspection and you should include supporting evidence, for example, receipts to show that work has been completed. This is important as the local authority could refuse your request if you do not provide sufficient information and evidence.

If the request is refused you will be given an explanation of why and advice on any action you need to take or evidence you need to provide before your request can be agreed. If you do not agree with the local authority's decision to refuse your request, you can raise the matter with the Lead Officer for Food. If you cannot resolve matters with the Lead Officer for Food, you can use the complaints procedure for your local authority, details of which may be found on the local authority's website.

How long do I have to make my request?

There is no deadline for this – you can ask at any time after you've taken action to make the necessary improvements that were identified at your inspection. You cannot, however, dictate when the re-visit will take place.

What happens next and when will I know the result of the re-visit?

At the re-visit, the food safety officer will assess the standards of hygiene at your premises and you will be told in writing – either at the time or within 14 days (this includes weekends and bank holidays) – what your new FHIS outcome is. This could stay the same as before, or become a 'Pass'. As with the original FHIS outcome, you can appeal this if you think it is wrong or unfair or you can submit a 'Right to Reply' for publication [online](#).

'Right to Reply' explained

What is the purpose of the 'right to reply'?

This lets you explain to your customers any actions you have taken to improve hygiene standards at your premises since your inspection or to say if there were unusual circumstances at the time of the inspection that might have affected your FHIS outcome. It is not an opportunity to complain or criticise the Food Hygiene Information Scheme or your food safety officer.

What should I do if I want to use my 'Right to Reply'?

You should send your comments in writing to the food safety officer that undertook the inspection of your premises – you will be given the contact details for the officer when you are notified about your FHIS outcome. You can do this by completing a standard form which you can download [here](#) or you can send a letter or an email.

How long do I have to submit my comments?

There is no deadline for this so you can submit your 'Right to Reply' at any time up until your next inspection when you will get a new FHIS outcome.

What happens next?

Your local authority may edit your comments in order to remove any offensive, defamatory, clearly inaccurate or irrelevant remarks. Other than that, what you say in your 'Right to Reply' will then be published online together with your FHIS outcome at food.gov.uk/ratings. The 'Right to Reply' will remain on the website until you are given a new FHIS outcome.

Right to Appeal explained

What is the purpose of the appeal?

Following a hygiene inspection of your premises by a food safety officer from your local authority you will be told in writing – either at the time or within 14 days (this includes weekends and public holidays) – what your FHIS outcome is.

In the case of an 'Improvement Required' if you think that this is wrong or unfair – in other words it does not reflect the hygiene standards at the time of inspection – you can appeal against this.

What should I do if I want to appeal my Improvement required outcome?

It is a good idea to speak informally first of all to the food safety officer that undertook the inspection of your premises – you will be given the contact details for this officer when you are notified about your FHIS outcome. This will help you to decide if you still want to appeal it. Please note that any discussions you have do not change the deadline within which the appeal must be made – please see the next question.

You must make your appeal in writing. You can do this by completing a standard form which you can download from this website or you can send a letter or an email. You should send your completed form, letter or email to your local authority's Lead Officer for Food – you will be given the contact details for this officer when you are notified about your FHIS outcome.

How long do I have to appeal?

You must make your appeal in writing (see question above) within 14 days of being notified about your FHIS outcome. This period includes weekends and public holidays. If you do not appeal within this time, your local authority will publish your FHIS outcome [online](#).

What happens next and when will I know the result?

If you make an appeal, the [FHIS](#) website will show that your FHIS outcome is 'awaiting publication'. The Lead Officer for food or his/her designated deputy, or the Lead Officer or his/her designated deputy in another authority that is also operating the FHIS, will review your case. The officer that gave the FHIS outcome will not consider your appeal. In some circumstances, a further visit to your premises may be required. You will be notified of the result of the appeal within a maximum of seven days from the date that the appeal was received by your local authority. Once you have been notified of the result of your appeal, your FHIS outcome will be published [online](#).

What if I don't agree with the outcome of the appeal?

You can challenge the local authority's decision by judicial review. Even if you decide to do this, your FHIS outcome will still be published [online](#). If you think that your local authority has not followed processes properly, you can use the council's complaints procedure (including taking the matter to the Local Government Ombudsman where appropriate). You should be able to find details of how to complain on your local authority's website.