

## **Procedure for requesting a re-inspection/re-visit**

As part of its Food Hygiene Rating Scheme (FHRS) consistency framework, Derbyshire Dales District Council has a procedure for undertaking re-inspections to ensure fairness to businesses. This policy covers the procedure for Food Business Operators (FBOs) to request a re-inspection of their establishment.

### **Introduction**

The FBO can make a request for a re-inspection at any time after the planned inspection as long as actions necessary to rectify the non-compliances have been carried out. If a FBO considers the score to be unjust, they should follow the separate appeals procedure within 14 days of notification of the hygiene rating for the establishment following the inspection.

The re-inspection policy applies to establishments that have a rating of '0' to '4' and have made the necessary improvements to address non-compliances identified during the most recent inspection of the establishment. It is assumed an establishment with a rating of '5' will not request a re-inspection as this is the highest rating possible. A request for a re-inspection can be made at any time, but the date/time of the re-inspection will be at the discretion of the inspecting officer.

Only one re-inspection is allowed, other than in duly justified exceptional circumstances. The food hygiene rating will be revised by the inspecting officer in accordance with the provisions of the Food Law Code of Practice.

### **Request for a re-inspection**

1. A request for a re-inspection can be made at any time after the initial inspection, but must be made by the FBO in writing by:
  - a. fully completing the FHRS 'Request for a re-visit' form on the Derbyshire Dales District Council website and posting, emailing or faxing it to the Head of Environmental Health; or
  - b. fully completing the template re-inspection request form provided on the national FHRS website and posting, emailing or faxing it to the Head of Environmental Health.  
<http://www.food.gov.uk/multimedia/worddocs/fhrsrevisitform.doc>
2. The request must detail those actions taken by the FBO to improve on the issues identified at the last food hygiene inspection. This request must be accompanied by sufficient evidence to substantiate the request. For example photographs of the completed work or copies of certificates/documents proving the works have been completed. The inspecting officer can offer advice as to what information may be required.

3. If the case made by the FBO is not substantiated or insufficient evidence is provided, the inspecting officer may refuse to undertake a re-inspection on that basis. In doing so, the officer will explain why the request is being refused and confirm the priority actions that must be taken in order to improve the level of legal compliance.
4. If the FBO disagrees with the local authority's decision to refuse a request for a re-inspection, they can raise the issue with the Head of Environmental Health.
5. If the FBO disagrees with the decision to refuse a request for a re-inspection they can have recourse to the District Council complaints procedure or the Local Government Ombudsman where appropriate

### **Timing of the re-inspection**

1. The re-inspection will not take place until at least three months after the original inspection at which the rating was given (this is called the 'standstill' period). The re-inspection will then take place within three months following the end of the three month 'standstill' period (or within three months of the request where this is made after the 'stand still' period). This means that six months is the maximum amount of time a business should have to wait for a re-inspection after making a request.
2. At the discretion of the District Council, the re-inspection can take place during the 'standstill' three month period where priority actions identified solely concern the need for permanent structural improvements, repairs or upgrading of equipment.
3. The re-inspection will be unannounced unless it is necessary to ensure certain staff are present.

### **What the re-inspection will cover**

1. The re-inspection will not only assess whether the required improvements have been made, but will also assess the level of compliance that is found overall. This means that the food hygiene rating could go up, down or remain the same if deemed appropriate by the inspecting officer.

### **Notification of the hygiene rating score**

1. Following a re-inspection of an establishment by an officer from the District Council, the FBO be told in writing - either at the time of the inspection or within 14 days (this includes weekends and public holidays) - what the establishment food hygiene rating is.
2. If the FBO considers the score is unjust they may appeal the rating within 14 days of notification, following the appeals procedure issued by the District Council.
3. After the 14 day period has expired, the food hygiene rating for the re-inspection will be published on [www.food.gov.uk/ratings](http://www.food.gov.uk/ratings) if no appeal has been lodged.
4. No additional requests for a re-inspection can be made until the next programmed inspection has been undertaken by an inspecting officer, because FBOs can only

have one requested re-inspection other than in duly justified exceptional circumstances. The frequency of programmed inspections is risk based and depends on the type of business, the level of hygiene management control and previous record of compliance.

### **Additional information**

Further questions and answers regarding re-inspections / re-visits can be found in the FHRS 'Brand Standard' published by the Food Standards Agency and available at <http://www.food.gov.uk/enforcement/enfcomm/fhrssteeringgroup/hygieneratingsguidance/>

### **Definitions**

"day" or "days" means any day or days of the week, including weekends and bank holidays.

"food business" means any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of production, processing and distribution of food;

"food business operator" (FBO) means the natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control;

### **Contact details**

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