

Food Standards Agency's Independent Business Appeals Panel: Terms of Reference

The FSA's Independent Business Appeals Panel (IBAP) provides a mechanism for any food business to appeal against food safety and food standards advice they have been given by local authority (LA) inspectors in England.

It will not consider the actions taken, or advice given, by the LA where there are existing mechanisms of appeal.

In the first instance, businesses should seek to resolve the matter locally with the inspector that issued the advice and their managers. If this does not provide a resolution then the business should follow the LA's complaints procedure. In the event that the business still disagrees with the advice given they should raise their complaint with the IBAP. The IBAP will focus on substantive, technical issues only.

Scope:

- The IBAP will consider complaints from businesses about written food safety or food standards advice from a local authority inspector that the business believes to be incorrect or beyond what is legally required. Businesses must first have followed the LA complaints procedure to conclusion.
- The IBAP will not consider appeals from food businesses relating to statutory notices or prosecution by LA food safety and standards inspectors as they have recourse to the courts, which provide an established and proper mechanism of appeal. Similarly, it will not deal with determinations on enforcement action subject to Primary Authority arrangements or to appeals relating to the Food Hygiene Rating Scheme as there are existing processes to follow.

The IBAP is chaired by an Independent Chair and consists of independent members, including food industry representatives, who have the competence and experience to assess the actions taken or advice given on food safety and standards matters. Other experts will be called upon to cover a wide spectrum of interests as required. In reaching their decision the panel will take into account the Food Law Code of Practice and any published guidance on how LAs should operate.

The IBAP will issue their findings to the business and to the LA; the LA will be expected to take into account the views of IBAP. The findings of the IBAP will be made publicly available.