**Raw Drinking Milk Compliance Rating Appeals Procedure**

**(Information for Food Business operators)**

If you require clarification of the inspection findings please contact the Dairy Hygiene Inspector who carried out the inspection in the first instance. **This is not part of the appeal and does not change the deadline for lodging an appeal** (Any reference to numbers of ‘days’, includes weekends and bank holidays).

If you are still dissatisfied with the compliance rating assessment made for your raw drinking milk production establishment, you may appeal the inspection rating via the process detailed below.

**Appeals**

The Food Business Operator (FBO) should complete the form ‘Request for a Review of the Compliance Rating of Establishments Producing Raw Drinking Milk ', which can be downloaded here



Or requested by emailing: Business.support@Foodstandards.gsi.gov.uk 01904 232177, for England and Wales, or Executive.Suport@foodstandards.gsi.gov.uk 028 90 417700 for Northern Ireland.

Completed forms should be returned to the FSA’s Business Support team either by post to the appropriate address on the form, to (Business.Support@foodstandards.gsi.gov.uk) for England and Wales or Executive.Suport@foodstandards.gsi.gov.uk for Northern Ireland within 21 calendar days of the initial inspection and receipt of the report following the conclusion of the inspection. (Day one is when the inspection report was delivered by hand or within two days’ of posting by first class)

The FBO or nominated representative should include objective evidence that the assessment by the Dairy Hygiene Inspector (DHI) is incorrect.

Upon receipt, the FSA’s Head of Field Operations (Head of Operational Policy and Delivery in Northern Ireland) will appoint an Investigating Officer (IO) to consider the evidence objectively and impartially to determine the outcome of the appeal. The IO will be from outside the DHI’s line management chain, with suitable experience to carry out an objective and impartial review of the evidence. In line with the Regulators’ Code, the DHI who conducted the inspection will not be involved in determining their decision on the review, but the IO will liaise with the FBO and the DHI to consider their evidence. The IO will review the Inspection records and appeal reasons identified on this form against the compliance standards set out in the FSA operational procedures and guidance.

The IO’s decision will be based on the written evidence and supporting documents provided and assessed against the guidance for application of compliance ratings. Where it is not possible for the IO to reach a decision based on the documentation, an unannounced visit to the establishment may be required, either by the IO (or delegated to a suitable officer for the purpose of evidence gathering only).

The IO will complete the review of the inspection report within a further 21 calendar days from receipt of the appeal and communicate their decision in writing. The decision will be sent to the FBO (or their nominated representative), the Dairy Hygiene Inspector and the FSA Head of Field Operations (Head of Operational Policy and Delivery in Northern Ireland).

Where the IO determines that the compliance rating awarded should be amended, they will inform the Dairy Hygiene Inspector so that an adjustment can be made to the inspection report. An amended inspection report will then be issued to the FBO.

The compliance rating on the FSA’s website will be shown as ‘awaiting publication’ until the appeal is concluded.

The Investigating Officer’s decision is final. When the appeal is concluded, the FSA’s website will be updated with the final rating.

Following the conclusion of the appeal, if you are dissatisfied with how the FSA has handled your appeal (for example, you feel that the FSA has not followed the correct procedure), and you consider that you have grounds for a formal complaint, you should write to the FSA’s Complaints Co-ordinator, Food Standards Agency Correspondence, Openness and Parliamentary Branch, 2C Aviation House, 125 Kingsway London WC2B 6NH tel: 020 7276 8622 e-mail: openness.team@foodstandards.gsi.gov.uk email: openness.team@foodstandards.gsi.gov.uk.

Further details of the FSA’s complaints procedure can be found on the FSA website at: <http://www.food.gov.uk/about-us/fsacomplaintsprocedure>.