

Food hygiene is getting easier to spot in Wales



Llywodraeth Cymru
Welsh Government



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The Food Hygiene Rating Scheme

The Food Hygiene Rating (Wales) Act 2013 and associated regulations come into force in November 2013. The Act establishes a mandatory food hygiene rating scheme for Wales that will replace the scheme currently operated by local authorities and the Food Standards Agency. The new scheme is designed to help consumers choose where to eat out or shop for food by providing information about the hygiene standards in restaurants, pubs, cafés, takeaways, hotels etc, as well as supermarkets and other food shops.

As a food business operator you will need to be aware of some important changes, introduced by the legislation, which are summarised in this leaflet.



Ratings

The hygiene standards found at the time of inspection are rated on a scale. At the bottom of the scale is '0' – this means urgent improvement is necessary. At the top of the scale is '5' – this means the hygiene standards are very good.

The rating you are given shows how well you and your business are complying with food hygiene law.

To get the top rating of '5', businesses must demonstrate a high standard of compliance in all three elements of the inspection (see below).

Inspections

When carrying out a food hygiene inspection an officer will consider the following elements, which will then determine the business' food hygiene rating:

- hygiene – how the food is prepared, cooked, re-heated, cooled and stored
- the condition of the structure of the buildings –including the cleanliness, layout, lighting, ventilation and other facilities
- how food safety within the business is managed and how the business records what it does to make sure food is safe.

Following inspections food safety officers are required to inform you of your rating and, if you didn't get the top rating, improvements needed to achieve that. You will receive this in an inspection report letter, along with your food hygiene rating sticker.

Following notification of your food hygiene rating, and once the period allowed for appeal has ended (21 days after you receive the notification), your rating will be published on the Food Standards Agency website at: [food.gov.uk/ratings](https://www.food.gov.uk/ratings)

Display

Following notification of your rating you will be required under the Act to display the sticker provided by your local authority. You will normally need to do this 21 days from the date you receive notification (this is how long you have to make an appeal). You may display your rating before the end of this 21 day period if you decide not to make an appeal.

The Act requires that you must display your sticker at or near each entrance to your premises that is available for use by customers. Stickers must be in a conspicuous place where they are capable of being easily read by customers before they enter the establishment when it is open for business.

Telling the customer

Under the Act you and your relevant employees must also tell customers, if asked, the rating the business has received. This applies in a face to face situation as well as over the phone.

Removal of Sticker

You must remove your food hygiene rating sticker from display, and destroy it, once it is no longer valid. The sticker will no longer be valid 21 days following notification of a new rating or when there has been a change in ownership of the business.

Appeal

You can appeal against a rating if you believe it does not accurately reflect the hygiene conditions at the time of the officer's inspection, or that the rating criteria were not correctly applied. This appeal must be made, in writing, on the standard appeal form to the local authority within 21 days from the date that you receive the notification of rating. Details of where to find the form and where to send it once completed can be found in the inspection report letter.

The appeal will be considered by an officer from the authority, who was not involved in the original assessment of the food hygiene rating being appealed. The local authority must decide the appeal and notify you of the outcome within 21 days of receiving the appeal.

If you do make an appeal you will need to display the relevant sticker after the appeal has been decided.

Re-rating

You can ask the local authority for a visit to be carried out before the date of the next food hygiene inspection so improvements can be checked and a new rating given if appropriate.

Your request must be made in writing, on the standard revisit request form and you must provide information on the improvements that have been made to the hygiene standards. You must continue to display your current rating sticker as required, at the time when making the request for a re-rating, until you have been notified of the outcome of the re-rating visit.

The re-rating revisit will take place within three months of the request being made by the business, and you will not be informed in advance of the specific date and time of the visit. Although it is anticipated that most re-rating revisits will lead to an improved rating it is possible for a lower rating to be given if standards have otherwise fallen.

There will be a charge for the re-rating visit, further details of the costs will be provided by the local authority prior to inspection.

Right to Reply

Businesses have a “Right to Reply”. The Right to Reply allows a food business operator to comment on the rating given to the business. For example, a business may wish to publish information in relation to what they consider to be particular circumstances at the time of the inspection that affected the rating. These comments must be made in writing to the local authority using the standard Right to Reply form. The form should be forwarded to the local authority who will forward to the FSA who may publish the comments on the Agency’s website, along with the rating. Further information on where to find the form and who to send your completed Right to Reply form to, can be found in the inspection report letter.

Failure to display your rating sticker

The local authority has powers if you fail to display your sticker, display an incorrect sticker or mislead customers in relation to the food hygiene rating. This may be through the use of fixed penalty notices. A fixed penalty notice will offer the opportunity for a person to pay a penalty of £200 within a period of 28 days, from the day that the penalty notice is given, or a reduced penalty of £150 if payment is made within 14 days. The Food Hygiene Rating (Wales) Act also allows for prosecution where necessary through Magistrates Court.

What you’ll need to do:

- Consider any action you may want to take to improve your food hygiene rating
- Display the sticker after your next inspection
- You and your relevant staff must advise customers of the rating when asked

Further Assistance

For further advice on the Food Hygiene Rating (Wales) Act 2013 or any other queries relating to food law you should contact your local authority.



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Mae'n dod yn haws adnabod hylendid bwyd da yng Nghymru



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Bwyd
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Y Cynllun Sgorio Hylendid Bwyd

Daw Deddf Sgorio Hylendid Bwyd (Cymru) 2013 a rheoliadau cysylltiedig i rym ym mis Tachwedd 2013. Mae'r Ddeddf yn sefydlu cynllun sgorio hylendid bwyd gorfodol i Gymru a fydd yn disodli'r cynllun sy'n cael ei weithredu gan awdurdodau lleol a'r Asiantaeth Safonau Bwyd ar hyn o bryd. Bydd y cynllun newydd yn helpu defnyddwyr i ddewis ble i fwyta neu siopa am fwyd drwy roi gwybodaeth iddynt am safonau hylendid mewn bwytai, tafarndai, caffis, siopau tecawê, gwestai ac ati, yn ogystal ag archfarchnadoedd a siopau bwyd eraill.

Fel rhywun sydd â busnes bwyd, bydd gofyn i chi fod yn ymwybodol o rai newidiadau pwysig y mae'r ddeddfwriaeth yn eu cyflwyno. Mae'r rhain wedi'u crynhoi yn y daflen hon.



Sgoriau

Caiff y safonau hylendid a ganfyddir adeg yr arolygiad eu sgorio ar raddfa o '0' ar y gwaelod, sy'n golygu bod angen gwella ar frys, i '5' ar y brig, sy'n golygu bod y safonau hylendid yn dda iawn.

Mae'r sgôr a roddir i chi yn dangos pa mor dda y mae'ch busnes chi yn cydymffurfio â chyfraith hylendid bwyd.

Er mwyn cael y sgôr uchaf o '5', mae'n rhaid i fusnesau ddangos eu bod yn cydymffurfio â phob un o dair elfen yr arolygiad, a hynny i safon uchel iawn (gweler isod).

Arolygiadau

Wrth gynnal arolygiad hylendid bwyd, bydd swyddog yn ystyried yr elfennau canlynol a fydd yn cael eu defnyddio i bennu sgôr hylendid bwyd y busnes:

- hylendid – sut mae'r bwyd yn cael ei baratoi, ei goginio, ei ailgynhesu, ei oeri a'i storio
- cyflwr strwythur yr adeiladau – gan gynnwys glanweithdra, cynllun, goleuadau, system awyru a chyfleusterau eraill
- sut mae diogelwch bwyd o fewn y busnes yn cael ei reoli a sut mae'r busnes yn cofnodi'r hyn y mae'n ei wneud i sicrhau bod bwyd yn ddiogel.

Yn dilyn arolygiad, mae'n rhaid i swyddogion diogelwch bwyd roi gwybod i chi beth yw eich sgôr ac, os nad ydych yn cael y sgôr uchaf, pa welliannau sydd gofyn i chi eu rhoi ar waith i gael y sgôr honno. Byddwch yn cael yr wybodaeth hon mewn llythyr sy'n cynnwys adroddiad o'r arolygiad, ynghyd â'ch sticer hylendid bwyd.

Ar ôl i chi gael eich hysbysu am eich sgôr, ac ar ôl i'r cyfnod apelio ddod i ben (21 diwrnod ar ôl i chi gael eich hysbysu), bydd eich sgôr yn cael ei chyhoeddi ar wefan yr Asiantaeth Safonau Bwyd drwy: [food.gov.uk/ratings](https://www.food.gov.uk/ratings) – cliciwch ar 'Cymraeg'.

Arddangos

Ar ôl i chi gael gwybod beth yw eich sgôr, mae'r Ddeddf yn datgan bod yn rhaid i chi arddangos y sticer a ddarparwyd gan eich awdurdod lleol. Fel arfer, bydd gofyn i chi wneud hyn o fewn 21 diwrnod i'r dyddiad y cawsoch eich hysbysu (dyma faint o amser sydd gennych i apelio). Gallwch arddangos eich sgôr cyn diwedd y 21 diwrnod hwn os nad ydych chi'n apelio.

Mae'r Ddeddf yn datgan bod yn rhaid i chi arddangos y sticer wrth bob mynedfa a gaiff ei defnyddio gan gwsmeriaid. Mae'n rhaid i'r sticeri fod mewn lle amlwg lle gall cwsmeriaid eu darllen yn hawdd cyn camu i mewn i fusnes pan fo'r busnes hwnnw ar agor.

Rhoi gwybod i gwsmeriaid

O dan y Ddeddf, mae'n rhaid i chi ac unrhyw staff perthnasol hefyd roi gwybod i gwsmeriaid, os ydynt yn holi, pa sgôr y mae'r busnes wedi'i chael. Mae hyn yn wir wyneb yn wyneb a dros y ffôn.

Cael gwared ar hen sticeri

Pan na fydd eich sticer hylendid yn ddilys rhagor, mae'n rhaid i chi ei dynnu i lawr a'i ddinistrio. Ni fydd y sticer yn ddilys 21 diwrnod ar ôl i chi gael eich hysbysu am sgôr newydd neu pan fydd gan y busnes berchennog newydd.

Apelio

Gallwch apelio yn erbyn sgôr os nad ydych yn credu ei bod yn adlewyrchiad teg o'r amodau hylendid adeg yr arolygiad, neu os na chafodd meini prawf y sgôr eu rhoi ar waith yn gywir. Mae'n rhaid i chi gyflwyno apêl ysgrifenedig ar y ffurflen apelio safonol, a'i chyflwyno i'r awdurdod lleol o fewn 21 diwrnod i'r dyddiad y cawsoch wybod am eich sgôr. Mae'r manylion am sut i ddod o hyd i'r ffurflen a ble i'w hanfon ar ôl i chi ei llenwi wedi'u nodi yn llythyr yr arolygiad.

Bydd yr apêl yn cael ei hystyried gan un o swyddogion yr awdurdod nad oedd yn rhan o'r asesiad gwreiddiol o'r sgôr sy'n destun yr apêl. Mae'n rhaid i'r awdurdod lleol benderfynu a rhoi gwybod i chi am y canlyniad o fewn 21 diwrnod wedi i'r apêl ddod i law.

Os ydych chi'n apelio, bydd yn rhaid i chi arddangos y sticer perthnasol ar ôl i'r broses ddod i ben.

Ail-sgorio

Gallwch ofyn i'r awdurdod lleol gynnal ymweliad cyn dyddiad yr arolygiad hylendid bwyd nesaf i wirio unrhyw welliannau a rhoi sgôr newydd os yw'n briodol.

Mae'n rhaid i chi gyflwyno cais ysgrifenedig ar y ffurflen ailymweliad safonol gan nodi beth ydych chi wedi'i wneud i wella'r safonau hylendid. Mae'n rhaid i chi barhau i arddangos eich sticer hylendid presennol, a hynny o'r adeg pan fyddwch chi'n gwneud cais ail-sgorio hyd nes y byddwch yn cael eich hysbysu am y canlyniad.

Bydd yr ymweliad ail-sgorio yn cael ei gynnal o fewn tri mis i'r adeg y byddwch yn cyflwyno'r cais, ac ni chewch wybod ymlaen llaw am ddyddiad ac amser yr ymweliad.

Er y rhagwelir y bydd y rhan fwyaf o ymweliadau ail-sgorio yn arwain at well sgôr, mae'n bosibl y byddwch yn cael sgôr is os yw'r safonau wedi gostwng.

Bydd tâl yn cael ei godi am yr ymweliad ail-sgorio a bydd rhagor o fanylion am y costau yn cael eu darparu gan yr awdurdod lleol cyn yr arolygiad.

Hawl i Ymateb

Mae gan fusnesau 'Hawl i Ymateb'. Mae'r hawl hwn yn galluogi gweithredwr busnes bwyd i gyflwyno sylwadau ar y sgôr a roddwyd i'r busnes. Er enghraifft, efallai bod busnes yn dymuno cyhoeddi gwybodaeth am unrhyw amgylchiadau anarferol a oedd ar waith yn ystod yr arolygiad a effeithiodd ar y sgôr yn eu barn nhw. Mae'n rhaid cyflwyno'r sylwadau hyn yn ysgrifenedig yn y ffurflen Hawl i Ymateb safonol. Dylid anfon y ffurflen at yr awdurdod lleol a fydd yn ei hanfon ymlaen i'r Asiantaeth Safonau Bwyd. Yna, efallai bydd yr Asiantaeth yn cyhoeddi'r sylwadau ar ei gwefan, ochr yn ochr â'r sgôr. Mae rhagor o wybodaeth am ble i ddod o hyd i'r ffurflen Hawl i Ymateb ac at bwy i'w hanfon ar gael yn llythyr yr arolygiad.

Busnesau nad ydynt yn arddangos eu sticeri

Mae gan awdurdodau lleol bwerau i gosbi busnesau os nad ydynt yn arddangos eu sticeri, os ydynt yn arddangos sticeri anghywir neu os ydynt yn camarwain cwsmeriaid am eu sgôr hylendid. Gallant ddefnyddio hysbysiadau cosb benodedig i wneud hyn. Os bydd busnes yn cael hysbysiad o'r fath gallant ddewis rhwng talu £200 o fewn 28 diwrnod o'r adeg y caiff y gosb ei dyfarnu, neu dalu cosb lai o £150 os ydynt yn talu o fewn 14 diwrnod.

Mae Deddf Sgorio Hylendid Bwyd (Cymru) 2013 hefyd yn caniatáu ar gyfer erlyn drwy Lys yr Ynadon lle bo angen.

Beth fydd angen i chi ei wneud:

- Ystyried a oes unrhyw gamau y gallwch eu cymryd i wella eich sgôr hylendid bwyd
- Arddangos y sticer ar ôl eich arolygiad nesaf
- Mae'n rhaid i chi ac unrhyw staff perthnasol roi gwybod i gwsmeriaid am y sgôr pan fyddant yn holi

Rhagor o gymorth

I gael rhagor o gyngor ar Ddeddf Sgorio Hylendid Bwyd (Cymru) 2013 neu os oes gennych chi unrhyw gwestiynau eraill yn ymwneud â chyfraith bwyd, dylech gysylltu â'ch awdurdod lleol.



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