

# POLICY



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**Policy title:** **EAT SAFE LOGAN INSPECTION FREQUENCY, ADMINISTRATIVE REVIEW AND REGRADE POLICY**

**Directorate:** STRATEGY & SUSTAINABILITY

**Branch:** HEALTH, ENVIRONMENT & WASTE

**Policy objective:** The object of this policy it to outline the inspection frequency and provide guidelines for the Eat Safe Logan administrative review re-grade assessment procedures.

**Policy scope:**

This policy applies to food business licensed pursuant to the *Food Act 2006* within Logan City Council.

**Definitions:**

TERM	DEFINITION
Administrative non-compliances	Administrative non-compliances are considered minor in nature, relate to 'general requirement' criteria and relate to an administrative requirement (e.g. display of licence, notification of food safety supervisor to Council).
Administrative review	When a food business licensee disagrees with the Eat Safe Logan rating issued, an application to Council to have the rating 'Administratively Reviewed' (i.e. via a desktop audit) can be made. An administrative review is conducted by an Environmental Health Team Leader or the Environmental Health Program Leader.
Critical non-compliance	Critical non-compliances are associated with matters that pose the highest risk to producing safe food. Failure to comply with critical non-compliances may result in serious enforcement action such as the immediate suspension of a food business licence.  For example, storing potentially hazardous food outside of temperature control or not protecting food from contamination are critical non-compliances.
Easily rectified minor non-compliances	Easily rectified minor non-compliances are identified on the Logan Eat Safe audit proforma as those non-compliances which are minor in nature ( <i>refer to minor non-compliance definition</i> ) and can be rectified easily and promptly.  For example, a split refrigerator seal is minor in nature (if it is not adversely affecting the temperature of the food in the refrigerator) and can be replaced within 24-48 hours. This is considered an 'easily rectified minor non-compliance'.

TERM	DEFINITION
Eat Safe Logan	Eat Safe Logan refers to the food business rating scheme that was approved in Council minute no. 340/2010 (14 <sup>th</sup> September 2010).
EHO	Environmental Health Officer (also referred to as 'inspecting' or 'assessing' officer).
Good management practices	Good management practices (GMPs) are a list of management documents that identify and control food safety hazards in the food business. These administrative documents are seen by Council as effective tools in proactively managing food safety risks associated with any food operation.
Licence period	A licence period as it pertains to Logan City Council for a licensable food business under the <i>Food Act 2006</i> is 1 September to 31 August of the following year.
Licensable food business	A licensable food business is defined in section 48 of the <i>Food Act 2006</i> .
Licensee	The holder of the licence for a food business.
Major non-compliance	Major non-compliances are identified on the Eat Safe Logan audit proforma as those non-compliances that are more serious and pose a high risk to food safety. Major non-compliances are likely to result in some form of enforcement action.  A major non-compliance is more serious than a minor non-compliance and less serious than a critical non-compliance.
Major re-grade assessment	A major re-grade assessment occurs after minor, major and/or critical non-compliances have been rectified and the food business does not want to wait for the next routine inspection for their Eat Safe Logan rating to be re-assessed. This is a paid inspection in which an officer re-assesses the entire business to determine eligibility for a new Eat Safe Logan rating.
Minor non-compliance	Minor non-compliances are identified on the Eat Safe Logan audit proforma as those non-compliances that are low risk or relate to a small number of defect(s). Minor non-compliances are less likely to present a hazard to consumers.  For example, a minor non-compliance may be a small or minor maintenance issue, such as a cracked tile or chipped crockery.
Minor re-grade assessment	A minor re-grade assessment occurs after a maximum of three easily rectified minor non-compliances and/or administrative requirements and/or good management practices have been rectified and the food business does not want to wait for the next routine inspection for their Eat Safe Logan rating to be re-assessed.

**Policy statement:**

In accordance with the Eat Safe Logan inspection scheme, a licensable food business is entitled to:

1. Have their licensed food business inspected and provided with an Eat Safe Logan star rating at set frequency.

2. Have their Eat Safe Logan rating administratively reviewed by an Environmental Health Team Leader or the Environmental Health Program Leader if they believe the authorised person has made an error in assigning a star rating; or
3. Have a minor re-grade assessment after easily rectified minor non-compliances and/or administrative general requirements and/or good management practices have been rectified; or
4. Have a major re-grade assessment after minor, major and/or critical non-compliances and/or good management practices have been rectified.

This policy ensures fairness for food business operators in Logan by providing a formal avenue for them to request a review of the Eat Safe Logan rating issued to their business. The policy also rewards operators who adopt best practices and quickly address minor non-compliances through enabling a minor re-grade assessment. Food business operators who improve food hygiene practices also have the opportunity to be reassessed ahead of schedule through a major re-grade assessment.

**Policy details:**

1. Inspection frequency

Licensed food businesses will be inspected at a frequency determined by their Eat Safe Logan star rating as detailed in the table below:

Star rating	Inspection frequency
0	1 month
2	2 months
3	6 months
4	12 months
5	12 months

Additional inspections may be done if required to investigate complaints or to follow up on non-compliances identified or notices issued, ie reinspections.

2. Administrative review

An administrative review occurs via a desktop audit when a food business wants their Eat Safe Logan rating reviewed (i.e. when they disagree with the Eat Safe Logan rating their business was given).

The licensee (or authorised representative) is entitled to apply for an administrative review for the following reason(s):

- (a) there is a difference of opinion with the level of non-compliance (i.e. whether it is a minor or major non-compliance) on a particular subject identified during the Eat Safe Logan inspection; or
- (b) a detail has been incorrectly recorded by the officer in assessing the criteria in the inspection proforma that affects the star rating assigned to the business; or
- (c) an administrative error has been made in rating the business.

Only the item(s) listed on the application form for an administrative review will be examined. No further claims by the food business can be made after the application has been submitted.

3. Minor re-grade assessment
  - (a) A minor re-grade assessment involves an administrative review of the previous inspection as well as a new inspection of the food business that can occur after easily rectified minor non-compliances and/or administrative general requirements and/or good management practices have been rectified and the food business does not want to wait for the next routine Eat Safe Logan inspection for their rating to be re-assessed. This inspection only looks at improvements made to easily rectified minor non-compliances and may be the difference between a 2 and 3 star or a 3 and 4 star or a 4 and 5 star rating for the business.
  - (b) The licensee is entitled to apply for a minor re-grade assessment only in the following circumstance(s):
    - (i) when easily rectified minor non-compliances have been rectified; and/or
    - (ii) administrative non-compliances have been rectified; and/or
    - (iii) when good management practices have been improved or implemented.
  - (c) A minor re-grade assessment will re-assess a maximum of three separate items only. For example if three items require cleaning to comply with general requirement A31 on the Eat Safe Logan audit proforma, this is regarded as three items. If a business has more than three items that require re-assessment, they will be advised to apply for the major re-grade assessment.
  - (d) Non-compliances that can be assessed within a minor re-grade assessment include:
    - (i) administrative (e.g. current food safety supervisor not notified to Council, licence not displayed); and/or
    - (ii) minor maintenance (e.g. split refrigerator seal, hairline crack in a wall tile); and/or
    - (iii) minor cleaning (e.g. small amount of insects in light cover).
  - (e) Only the item(s) identified by the licensee on the application form for a minor re-grade assessment will reviewed. No further claims by the food business can be made after the application has been submitted.
4. Major re-grade assessment
  - (a) A major re-grade assessment involves an administrative review of the previous inspection as well as a new inspection of the food business that will apply when a business is not eligible to apply for a minor re-grade assessment (e.g. if more than three items of minor non-compliance were found during the initial inspection, any major or critical non-compliances were found during the initial inspection, or more than 10 days have passed since the initial inspection).
  - (b) A major re-grade assessment can occur after minor, major and/or critical non-compliances and good management practices have been rectified and the food business does not want to wait for the next routine Eat Safe Logan inspection for their rating to be re-assessed. During this inspection the officer will re-assess the entire business to determine eligibility for a new star rating.
  - (c) The licensee is entitled to apply for a major re-grade assessment only in the following circumstance(s):
    - (i) when minor and/or major and/or critical non-compliances have been rectified and /or good management practices have been implemented; and

- (ii) for a 2 star business, a waiting period of 1 month has passed since the previous Eat Safe Logan inspection; or
- (iii) for a 3 star business, a waiting period of 3 months has passed since the previous Eat Safe Logan inspection; or
- (iv) for a 4 star business, a waiting period of 6 months has passed since the previous Eat Safe Logan inspection.

NB: no waiting period applies for a 0 star rated business to apply for a regrade.

4. Response times

- (a) The timeframe within which an application for administrative review or a minor re-grade assessment or a major re-grade assessment must be submitted are listed in the table below.
- (b) The timeframe in which Council will assess and respond to the applications are also shown in the table below.

	Timeframe for food business licensee	Council response time
<b>Administrative review</b>	Within 5 business days from the date of the inspection.	Within 10 business days from receipt of the properly made application.
<b>Minor re-grade assessment</b>	Within 10 business days from the date of the inspection.	Within 10 business days from receipt of the properly made application.
	Timeframe for food business licensee	Council response time
<b>Major re-grade assessment</b>	0 Stars No waiting period applies.	Within 20 business days from receipt of the properly made application.
	2 Stars A 1 month waiting period applies.	
	3 stars A 3 month waiting period applies.	
	4 Stars A 6 month waiting period applies.	

- (c) Despite the response times shown, the prioritisation of administrative review and re-grade assessment applications will occur at the discretion of Council:
  - (i) every licensable food business must be rated at least once by July 2012 before major re-grade assessment applications are processed by Council; and
  - (ii) in the event of a substantial influx of either administrative review applications and/or re-grade assessment applications, Council will process the applications on the basis of the date the applications are received.

## 5. Re-grade increments

The following re-grade increments apply to all re-grade assessments:

- (a) 0-2 star food business can only increase to a 3 star rating within the same licence period that they received the 0 or 2 star rating or within 12 months of the previous inspection (and after the relevant waiting period); or
- (b) 3-4 star food businesses can increase to a 5 star rating at any time (after the relevant waiting period);
- (c) The following table outlines the waiting periods that apply to the administrative review and re-grade assessment applications:

Star rating	Waiting period before major re-grade application	Year of increment	Maximum star rating
0	No waiting period applies	Within the same licence period	3
2	1 month from previous Eat Safe Logan inspection	Within the same licence period	3
3	3 months from previous Eat Safe Logan inspection	Within the same licence period and after the 3 month waiting period has applied	5 (providing they have not received a 0 or 2 star rating within the past 12 months)
4	6 months from previous Eat Safe Logan inspection	Within the same licence period and after 6 month waiting period has applied	5
5	6 months from previous Eat Safe Logan inspection	Within the same licence period	5

- (d) A food business that has received a 0-2 star rating cannot advance beyond a 3 star rating within a 12 month period from receiving a 0 or 2 star rating, ie a food business that has advanced from a 0 or 2 star rating to a 3 star rating cannot then apply to have a major re-grade and advance to a 5 star rating within a 12 month period from the initial 0 or 2 star rating assessment.

## 6. Re-grade due to non-compliance

In addition to the ability for food business to apply to Council for a re-grade assessment, either minor or major, Council reserves the right to reduce a food business's star rating due to observed non-compliance at any time.

**Related policies/legislation/other documents:**

DOC ID	DOCUMENT TYPE	DOCUMENT NAME
-	Legislation	<i>Food Act 2006</i>
-	Legislation	Food Regulation 2006
-	Administration	Register of cost-recovery fees and schedule of commercial and other charges
<a href="#">6025614</a>	Policy	Food Act 2006 - Eat Safe Logan Food Licence Incentive Scheme