

# Our complaints policy

For complaints made about the Food Standards Agency by an external party such as a member of the public or a food business operator.

We aim to act fairly and proportionately and to get it right first time. When things go wrong, we will be open about this, be accountable for our mistakes and seek to learn from them.

This policy is for use by anyone, external to the FSA, wishing to make a complaint about the FSA.

## When to use this policy

This policy can be used when you are dissatisfied with:

- a service provided by or on behalf of the FSA
- the behaviour or actions of a member of staff employed by or on behalf of the FSA, for example, an individual deployed by a third party delivering official controls within an approved meat establishment

A complaint is any expression of dissatisfaction. Not all complaints however, will need to be managed through this policy and very often the matter can be addressed quickly and a resolution found easily, without the need to use a formal process.

Each complaint will be assessed on an individual case basis and an appropriate course of action decided upon.

Complaints in relation to the [Code of Practice on the English language requirements for public sector workers](#) can be raised under this policy.

Complaints regarding our [Welsh Language Service](#) can be raised under this policy.

Complaints not about the FSA, and which relate to food products, should be raised with the relevant Local Authority via our [report a food problem service](#).

Complaints about the way in which a request under the Freedom of Information Act (FOI), has been responded to by the FSA, should be raised via our [FOI 'Internal Review' process](#).

If you wish to raise a complaint on how we have handled your personal data, you can contact the FSA's Data Protection Officer, who will investigate the matter. More information on how to do this can be found in [our privacy notice](#).

## Formal appeals process

Where there is a remedy that can be sought through a formal appeals process (including through the courts), you will be expected to raise the matter through the appropriate route. This policy is not a substitute for any process that exists to offer such remedy.

Some examples of situations in which remedy through a formal appeals process can be sought are:

- Where the FSA refuses approval at a meat establishment, the food business operator has the right of appeal to a Magistrates Court in England and Wales or a Court of Summary Jurisdiction in Northern Ireland.
- Where a food business operator at an approved meat establishment disagrees with the outcome of an FSA audit, and they have been unable to resolve the issue with the Veterinary Auditor who conducted the audit, the FSA has an internal appeals process that can be followed by the food business operator.
- In England and Wales, where a food business operator at an approved meat establishment disagrees with the FSA's decision to refuse or remove their authorisation for the removal of specified risk material (SRM), there is an appeals process that can be followed.
- Where statutory enforcement notices such as a Hygiene Improvement Notice or Remedial Action Notice have been issued to a food business operator at an approved meat establishment, and these are disputed, the food business operator has the right of appeal to a Magistrates Court in England and Wales or a Court of Summary Jurisdiction in Northern Ireland.
- Where a wine producer disputes a notice issued by a FSA Wine Standards Inspector, they have right of appeal under Article 13 of the Wine Regulations 2011.

## How to raise a complaint

Good complaint handling requires constructive dialogue, so when you contact the FSA you can expect us to be polite, professional and willing to listen to your concerns. It is important that the FSA, the complainant, or their representative conduct themselves in an appropriate manner. Abuse of any individual involved in the complaint either over the telephone or in writing (including on social media), cannot be tolerated. The FSA has a 'zero tolerance' approach to bullying and such behaviour may lead to us precluding you from the complaints process. Should we decide to do this we will write to you explaining why.

You can raise a complaint with the FSA by emailing us at:

[fct@food.gov.uk](mailto:fct@food.gov.uk)

Or by sending a letter to us at:

FSA Complaints Co-ordinator  
Food Standards Agency  
Complaints and Transparency Team  
Foss House  
Kings Pool  
1-2 Peasholme Green  
York YO1 7PR

If you require assistance in making your complaint you can telephone us on: [0330 332 7149](tel:03303327149)

Tell us what you believe the issue to be, when the issue arose, and how you feel we can put the matter right.

If you choose to raise an issue via any of the social media channels used by the FSA, we will review the matter and decide how best to respond. Depending on the circumstances some issues may be addressed quickly and by reply via social media, whereas others may need to be referred to the FSA's complaints process. We will not discuss personal information via any social media

channel.

You should let us know at the start of the process if you wish the details of your complaint to be kept anonymous and confidential.

You may choose to instruct someone to act on your behalf when making a complaint, including receiving communications from the FSA during the complaints process.

## Timeframes for raising a complaint

A complaint should be raised as soon as possible, and no later than one calendar month after you first become aware of the issue.

if you wish to do so, you have two calendar months from receiving a response to your complaint in which to escalate the matter.

## How your complaint will be handled

In the first instance, most complaints will be handled locally and by the relevant FSA team. However, there may be situations where, due to the nature of the complaint it will be responded to centrally, by the FSA Complaints Co-ordinator's office, from the outset.

All complaints will be handled under the [Core Values of the Civil Service](#) as set out in the Civil Service Code:

- Integrity
- Honesty
- Objectivity
- Impartiality

The complaint will be investigated thoroughly, and the conclusions drawn will be evidence-based wherever possible.

Where the complaint is handled locally, we will aim to respond within 20 working days.

Where the complaint is handled centrally (normally through escalation), we will aim to respond within 40 working days.

We expect extensions of time to be the exception and not the norm, but where we do need to extend the response time, you will be told why and when to expect a response to your complaint.

The person examining the complaint is not expected to produce a formal report but to provide a detailed response via correspondence. This will be in the form of a letter either posted or emailed to you or your representative.

The FSA has established arrangements for handling complaints which are vexatious or where the complainant is considered persistent.

A complaint may be considered vexatious where it is made without reasonable grounds and with the intention to harass or provoke.

A complainant may be considered persistent where contact with, and/or the demands made of, the FSA are repetitive and excessive.

You will receive a written acknowledgement of your complaint in which we will tell you when to expect a response.

In most cases we will then contact you by telephone to discuss your complaint. Further contact will be agreed with you during the discussion. Where it is not convenient for the FSA to contact you during normal working hours, reasonable arrangements can be made to contact you outside of these.

## **Your data**

Our [privacy notice](#) provides information about how we protect your data. We will not use your personal data for any purpose other than investigating and responding to your complaint. We retain personal information only for as long as necessary to carry out these functions, and in line with our retention policy.

No third parties have access to your personal data unless the law allows them to do so or when we have obtained your consent to share that data with a third party. To progress a complaint investigation your identity may become known to those who the complaint is made about. This should only arise where it is otherwise impossible to prevent, or it is necessary in order to progress the case. Where applicable, we will explain this to you beforehand. In line with this commitment your information may be passed to the Parliamentary and Health Service Ombudsman.

## **Complaint outcomes**

You will receive a response to your complaint in writing, unless in the circumstances this is not appropriate, in which case alternative arrangements will be made to notify you of the outcome of your complaint.

If our investigation finds that there has been an error made by the FSA, we will apologise for the error and where appropriate, offer a proportionate remedy. Financial redress is considered in certain circumstances. It is approved on a case by case basis and in almost all instances requires HM Treasury approval. There are strict rules that the FSA must follow in paying compensation and clear evidence will need to be obtained to demonstrate what loss has occurred especially when making reparatory payments, i.e. compensation for actual measurable financial loss or detriment incurred by you because of a maladministration or service failure.

Local FSA officials are not authorized to agree, or agree to, a compensation payment without seeking prior approval.

## **If you remain dissatisfied with the FSA's response**

If you are not satisfied with the response provided by the FSA, you have the right to escalate the matter. When escalating your complaint, you should set out clearly your grounds for doing so.

### **The routes of escalation**

#### **Complaint responded to at a local level**

If your complaint was responded to at a local level, escalate to the FSA Complaints Co-ordinator's office.

#### **Complaint responded to by the FSA Complaints Co-ordinator's office**

If you received the response from the Complaints Co-ordinator, escalate to the FSA Chief Executive's office.

In these cases, it is most likely that a senior manager will be asked to assist the Chief Executive. This senior manager may or may not work for the FSA. The Chief Executive will issue the response under their signature.

## When to escalate your complaint

If you choose to escalate your complaint, you should contact the FSA within two calendar months of last receiving a response to your complaint. This timeframe applies to each of the FSA's escalation stages.

## If you're still unhappy

If you are still unhappy after the conclusion of our complaints procedure, you can ask for your complaint and its handling to be investigated by the Ombudsman.

To do this, you must [write to a Member of Parliament](#), [Member of National Assembly for Wales](#) or Member of the [Northern Ireland Assembly](#). You need to ask them to refer your complaint to the Ombudsman. Usually, before you complain, the Ombudsman expects you to have made a complaint to us using our complaints procedure.

If you are unsure about whether your case is suitable for referral to the [Ombudsman](#), contact the Ombudsman's helpline on [0345 015 4033](tel:0345 015 4033) for guidance.

## Feedback

If it is identified that actions should be taken to prevent a situation recurring, these will be highlighted for follow-up action. Such action may include staff training, a change of internal guidance, a change in policy provision etc.

Although it may not always be possible to provide specific details of actions that have been or will be taken, you will be advised in the complaint response about this. We are unable to provide the detail of any action we take against an individual member of staff or contractor due to our obligations under the General Data Protection Regulation 2018.

Once a complaint has been responded to, we will seek feedback from you about your experience when using this policy. This information will help us assess the effectiveness of our complaints management arrangements so that improvements can be made as required.

## Transparency

The FSA is committed to be an open and transparent organization.

Anonymized data on complaints is published each year as open data on [the FSA's open data website](#) and on [data.gov.uk](http://data.gov.uk). In addition, an anonymized report on complaints is presented annually to the FSA Board, which you can attend or watch via live streaming.

## Queries about this policy

If you have any queries about this policy, for example concerning its application or interpretation, please contact the FSA Complaints Co-ordinator at one of the following:

[fct@food.gov.uk](mailto:fct@food.gov.uk)

Food Standards Agency  
Complaints and Transparency Team  
Foss House  
Kings Pool  
1-2 Peasholme Green  
York YO1 7PR

Tel: [0330 332 7149](tel:03303327149)

To receive a copy of our Complaints policy please contact us as above.