



Scheme Code of Practice



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1 General administration of the scheme

- 1.1** Derbyshire County Council's (the "Council") trading standards service ("Trading Standards") will manage and administer the Heart of Derbyshire membership scheme (the "Scheme") in conjunction with the environmental health services of: Amber Valley Borough Council, Bolsover District Council, Chesterfield Borough Council, Derbyshire Dales District Council, Erewash Borough Council, High Peak Borough Council, North East Derbyshire District Council and South Derbyshire District Council.
- 1.2** The Scheme forms part of a wider Heart of Derbyshire initiative promoted by the Council.
- 1.3** The Scheme requires businesses approved by the Council to adhere to the terms and conditions of the Scheme and this Code of Practice. Completion and signature (or acceptance of terms, if completed electronically) of the application form for the Scheme will be taken as confirmation that the applicant business (the "Member") accepts the terms and conditions of the Scheme and Code of Practice.
- 1.4** The Scheme is only available to Members that:
- a) are based within the Council's geographical boundaries; and
 - b) hold a food hygiene rating of 3 or more from one of the above environmental health services identified in clause 1.1.
- 1.5** The Council reserves the right to alter or amend the terms and conditions of the Scheme (which includes this Code of Practice) at its sole discretion. Any changes will be notified to Businesses as soon as reasonably practicable.
- 1.6** Any certificates and/or documentation provided by the Council (and any copyright therein) remains the property of the Council at all times and the Council grants to the Member a royalty free, non-exclusive copyright licence to use such certificates and/or documentation whilst they remain a Member.

1 GENERAL ADMINISTRATION OF THE SCHEME

- 1.7** In the event that membership of the Scheme is terminated for any reason by either the Member or the Council, the licence to use any certificates and/or documentation shall immediately cease and all certificates and/or documentation provided by the Council shall be returned as soon as possible at the Members cost to the Council.
- 1.8** Members must display their Heart of Derbyshire certificate and promotional material prominently on their premises at all times whilst they are a Member. The promotional material must not be altered or damaged in any way. Whilst a Member, the Heart of Derbyshire logo and a link to the Heart of Derbyshire website may be displayed on the Members' own website. An electronic version of the logo can be supplied for this purpose upon request. Members must not supply Heart of Derbyshire promotional materials or logos to any other businesses.
- 1.9** Members must not use the Heart of Derbyshire logo, branding or any other reference to the Scheme on food labels (or associated material) which they supply via other retailers.
- 1.10** All Heart of Derbyshire branding must be removed from the Members premises, documentation and website upon termination of membership for any reason, or suspension or revocation under clause 6 of this Code of Practice.
- 1.11** Audits of Members (for example, for the purposes of checking adherence to the Scheme) may be carried out by authorised officers of Trading Standards and Environmental Health Departments at any time when the Members business is open.

2 Responsibilities of Trading Standards

2.1 Trading Standards shall:

- a) maintain a publicly available website containing information about the Scheme and will allow viewers to search for Members based on the information supplied by the Member in its application form and/or geographical area. Links will be provided to the Members' own websites and to the Food Standards Agency food hygiene page for the Members;
- b) ensure the Scheme website has the means for consumers to provide feedback about the Scheme and the Members;
- c) ensure that consumers who do not have internet access will be able to seek information on the Scheme and its Members by telephone;
- d) posters and leaflets promoting the Scheme will be on display in county libraries, council offices and other places of public interest;
- e) carry out periodic promotional activities in order to raise awareness of the Scheme;
- f) provide a membership certificate and branding materials which can be used on premises, vehicles, printed materials and in advertising as appropriate to the Member, but subject always to the terms and conditions of the Scheme and this Code of Practice including, in particular, clause 1.8 above;
- g) upon request provide, in electronic form (subject always to the terms and conditions of the Scheme and this Code of Practice) the Heart of Derbyshire logo for inclusion on the Members' website;
- h) at its discretion, develop and administer a rating system for Members' performance based on the feedback received from their customers;

2 RESPONSIBILITIES OF TRADING STANDARDS

- i) subject to any verification deemed appropriate, provide feedback on the Member's performance which may be published on the Heart of Derbyshire website. Trading Standards reserves the right not to publish feedback which is regarded as inappropriate in any way;
- j) ensure that updates to the Scheme website of new Members or amendments to existing details are carried out, but on the understanding that such updates or amendments will not be automatic but performed approximately fortnightly; and
- k) ensure that details of applications and membership will be held on the Council's databases and published on the Scheme website and used in the promotion of the Scheme.

3 General responsibilities of scheme members

- 3.1** All Members are expected to comply with the spirit of the terms and conditions set out in this Code of Practice.
- 3.2** Members must notify Trading Standards of any:
- a) Convictions against them relating to matters covered by this Code of Practice; or
 - b) Convictions involving fraud or dishonesty against a 'controlling mind' of a business.
- 3.3** Members must ensure that their staff are aware of and understand the provisions in this Code of Practice and details of the pledges made. Where appropriate, Members should provide relevant staff training.
- 3.4** Management controls must exist to ensure that Member businesses operate legally, follow the pledges made and, where appropriate, adhere to their set customer service procedures.
- 3.5** Members must ensure that a copy of this Code of Practice is made available to any interested party upon request.
- 3.6** Current and prospective Members must co-operate fully with the initial application check and any subsequent checks carried out.
- 3.7** In the event that there is any change in the food registration details of the Member held by Environmental Health, or the Member's ownership or business status the Member must inform Trading Standards as soon as possible. Trading Standards reserves the right to review the Member's membership of the Scheme.
- 3.8** The list of pledges made by the Member must be made available to customers and enforcement officers upon request. Members must ensure that they meet all the pledges they have made. If Members wish to change the pledges at any time, they should notify Trading Standards in advance.
- 3.9** Members must inform Trading Standards immediately if their food hygiene rating changes for any reason.

4 CUSTOMER COMPLAINTS PROCEDURE

4 Customer complaints procedure

- 4.1** Members will co-operate with Trading Standards in any attempt to resolve any complaint.

5 ASSESSMENTS FOR MEMBERSHIP OF THE SCHEME

5 Assessments for membership of the scheme

- 5.1** In deciding whether an applicant is suitable for membership of the Scheme, Trading Standards may carry out the following checks:
- a) websites of any trade associations that the applicant claims membership of;
 - b) the Food Standards Agency Food Hygiene rating for the business;
 - c) any food awards the applicant claims; and/or
 - d) an assessment of previous complaints made to Trading Standards or relevant Environmental Health service concerning the applicant Member. This may involve seeking further information from any consumers concerned.
- 5.2** Trading Standards reserves the right to carry out any other appropriate checks to ensure that Members continue to satisfy this Code of Practice.
- 5.3** Where information or documentation is requested by Trading Standards, it should be provided within a reasonable time. As a guide, Trading Standards would expect this to be within 21 days of the request being made.

6 Refusal, suspension and revocation of membership

- 6.1** Trading Standards reserves the right to refuse membership to any applicant Member who it feels does not reasonably satisfy the criteria laid down in this Code of Practice.
- 6.2** Trading Standards reserves the right to refuse, suspend or revoke Member's membership should there be:
- a) a significant breach of this Code of Practice; or
 - b) information supplied by another person or organisation, which casts reasonable doubt upon the suitability of any particular business to be a Member; or
 - c) a customer complaint or complaints, amounting to a failure to comply with the letter or spirit of this Code of Practice; or
 - d) a change in the Members' food hygiene rating to less than 3; or
 - e) an abuse of the feedback system by influencing the feedback provided for the Member in any way or for any other Member of the Scheme; or
 - f) a failure to adhere to the pledges made by a Member; or
 - g) a failure to disclose any matter under clause 3.2; or
 - h) any convictions involving fraud or dishonesty against a 'controlling mind' of a business. The business may re-apply for membership 5 years from the date of conviction; or
 - i) any convictions against the Member relating to matters covered by this Code of Practice.
- 6.3** Notwithstanding any other clause of this Code of Practice, Trading Standards may decide to suspend a Member's membership until such time as a full investigation can be concluded. It may also suspend a Member's membership in order to monitor whether a particular Member remains suitable for inclusion within the Scheme.

6 REFUSAL, SUSPENSION AND REVOCATION OF MEMBERSHIP

- 6.3 Where a Member's membership is suspended or revoked, or an application for membership by an applicant Member is refused, Trading Standards will provide that Member (or applicant Member, as appropriate) with a written explanation of the reasons for its actions.
- 6.4 A Member's membership will not be suspended or revoked for reasons other than as stated in this Code of Practice.
- 6.5 As an alternative to suspension or revocation of a Member's membership, Trading Standards reserves the right, when considered appropriate, to implement other disciplinary measures to a Member (for example, a written warning).
- 6.6 Any sanction imposed on any Member will be made accessible to consumers by the most appropriate method Trading Standards deems necessary.
- 6.7 Trading standards reserves the right to publicise the removal of any Member from the Scheme at its sole discretion.

7 APPEALS AGAINST REFUSAL, SUSPENSION OR REVOCATION OF MEMBERSHIP

7 Appeals against refusal, suspension or revocation of membership

- 7.1 An appeals procedure exists and Members wishing to take advantage of this should write to the Trading Standards Manager (Food, Feed, Animal Health and Metrology), Derbyshire County Council, Trading Standards, Chatsworth Hall, Chesterfield Road, Matlock, Derbyshire, DE4 3FW.
- 7.2 Appeals will be assessed by the head of Trading Standards, or that person's nominated officer.

8 Members wishing to leave the scheme

- 8.1** Any Member wishing to leave the Scheme should provide not less than one month's prior written notice to: Heart of Derbyshire, Derbyshire County Council, Trading Standards Service, Chatsworth Hall, Chesterfield Road, Matlock, Derbyshire, DE4 3FW or, e-mail: trading.standards@derbyshire.gov.uk.
- 8.2** During the notice period, Members shall continue to meet the terms of the Scheme and this Code of Practice.

9 Monitoring, review and reporting

- 9.1** Members of the Scheme may be subject to random audits which will be carried out by authorised officers from Environmental Health and Trading Standards departments. Members must co-operate fully with the officers performing these audits.
- 9.2** Trading Standards will take into account feedback from consumers when monitoring adherence to this Code of Practice and the pledges made. An online feedback form will be available for consumers to complete.
- 9.3** Evaluation of Member satisfaction with the Scheme will also be undertaken by Trading Standards from time to time as part of the review process.
- 9.4** Trading Standards will document the findings of reviews and any subsequent actions taken.

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