



Department
for Business
Innovation & Skills

**UK CONSUMER PRODUCT RECALL
REVIEW**

The Government response to
the Independent Recall Review
by Lynn Faulds Wood

FEBRUARY 2016

Contents

Foreword	3
Background to the Review	4
Responding to the Recommendations	5
Next Steps	8

Foreword

As the Minister for Small Business, Industry & Enterprise, which includes responsibility for Consumer Product Safety, I take the safety of consumers very seriously. We've all seen and read the disturbing articles in the media of exploding electrical products causing damage to lives and homes; young children choking on small parts found in their toys; or consumers having adverse reactions to illegal ingredients found in cosmetic products. In too many of these cases these end results were avoidable.

BIS officials negotiate, transpose and implement some of the most robust consumer safety legislation in the world. Why then if we've read the stories and we have the legislation to protect consumers do we continue to see unsafe products placed on the market, or hear that only between 10 – 20% of consumers respond to a consumer product recall despite knowing what the potential danger may be to them?

I was therefore delighted to learn that Lynn Faulds Wood who for many years has been a tireless campaigner for consumer rights and consumer safety was leading this independent review of the UK recall system. Lynn has used her extensive contacts in industry, consumer groups and government to collate an evidence base of informed views on how the current system works, where improvements are needed, and what a 'good' recall system should look like.

I would like to personally thank Lynn for all of her hard work in producing her review. Lynn has identified a number of recommendations for improving the system, and the Government's response is set out in this document. However, Government cannot act alone and I am keen to capitalise on the level of enthusiasm and involvement shown by all the stakeholders that have participated in this review. The publication of the review and of the government response is the first step in an ongoing process which I hope will see positive and substantive outcomes in how recalls are dealt with in the UK.

Anna Soubry

Background to the Review

The Recall Review was launched on 13 March 2015, following an announcement by Baroness Neville-Rolfe of the government's intention to review the UK product recall system during the House of Lords Report stage of the Consumer Rights Bill in November 2014.

In order to gauge the effectiveness of the current UK recall system and to find out what a 'good' recall system looked like, Lynn Faulds Wood, consumer champion and journalist, was appointed as independent Chair to lead the Review.

The review considered the key issues that directly impact on the effectiveness of the UK's consumer product recall systems and how those systems interact with the wider EU RAPEX system (a pan-Europe online platform which identifies and removes unsafe consumer products from the market).

The review explored the existing mechanisms in place to assist Market Surveillance Authorities (MSAs), business and consumers and how well these are used and understood by all of the relevant parties and what currently works well and what does not. It considered regional variations on how well the recall regulations are being enforced around the UK. It looked into the procedures used by business to allow consumers to register products and the impact of their approach to the use of data for marketing purposes on this.

The review was published in February 2016. It includes a package of recommendations and these are set out below, along with the Government's response.

Responding to the Recommendations

Recommendation 1: There is a need for the creation of an official national product safety agency or ‘centre of excellence’ to show leadership and coordinate the system, promoting, protecting, informing and empowering business and consumers

Recommendation 2: There should be an official trusted website - for business and the public – for everyone - with the central product safety agency its guardian

We have considered the first two recommendations together.

Whilst a “national product safety agency” might provide an obvious focal point for industry, market surveillance authorities and consumers on matters related to product recalls and product safety, the Government does not believe that setting up a new public body in the current financial climate would be an effective use of taxpayers’ money.

Instead, we believe the ‘centre of excellence’ could be predominantly virtual and delivered via a suitable online portal. For example, it could bring together a range of information in one place through a “trusted website”, rather than the current situation which sees information on product recalls being spread across numerous websites and other media. However, whilst Government could contribute relevant expertise, we believe this centre of excellence is not for Government to lead, and would ultimately only be successful if it was underpinned by input and resource from a full spectrum of interested parties.

We will therefore challenge the steering group (see Next Steps) to come up with a concrete proposal for what this ‘centre of excellence’ would look like and how it would be funded within 6 months of the steering group’s first meeting.

Recommendation 3: There is an urgent need to improve funding, training, resources and procedures for Market Surveillance - the enforcement authorities whose job it is to make the system work effectively

All the stakeholders who have commented on the Review and/or the draft recommendations believe that market surveillance is under-resourced. Many of these concerns relate to Trading Standards. The Government therefore believes it appropriate to wait for the conclusions of its review of Trading Standards (which will be published in due course) before commenting further on this recommendation.

However, in the meantime, we will continue to explore ways to improve the overall market surveillance system via existing groups and networks, including the Product Safety Focus Group and the Market Surveillance Coordination Committee. This approach will support effective implementation of policy whilst ensuring scarce public resources are utilised wisely.

Recommendation 4: Alternative funding solutions to improve the recall system should be explored, solutions which could bring enormous benefits to good business and the insurance industry

Government is always open to finding new ways of funding. Whilst the Government does not see potential for a specific market surveillance / recall 'levy' in this area, we will continue to explore ways of developing the Primary Authority scheme as the most effective way of ensuring that regulators are able to recover the costs of providing bespoke business advice. Future approaches to income generation and cost recovery by regulatory services will be aligned to and consistent with the outcome of the review of Trading Standards, when it is published.

Recommendation 5: Business could lead Europe with more reliable, detailed guidance on product recall (templates, British Standards etc.) – guidance under consideration for the European General Product Safety Directive

There is guidance currently available now but the Review found that it is sometimes outdated or confusing. With input from the steering group (see Next Steps), Government will work with stakeholders from the sector to review existing UK guidance documents, alongside those from third countries, to develop new world class guidance for the UK. Our aim would be to clarify existing rules without imposing any new burdens on industry or market surveillance authorities. We expect to be able to issue revised guidance within 6 months.

Recommendation 6: There is an urgent need for a 'mapping' of organisations involved in product recall and better data & information sharing to prevent injury, damage and death

There is an abundance of organisations, both at national and local level, which collect information and data on accidents/incidents which are related to product safety and for which sharing data could be beneficial. However, many organisations report that they are constrained by legal requirements that prevent the sharing of data. Nevertheless we believe that a more joined up system can be achieved through better collaboration and coordination of activity.

As a first step, we will work with stakeholders to consider which organisations have access to information on product safety in the UK, to map where information is duplicated and identify gaps. BIS will then work with the steering group to identify how we might fill the gaps and overcome the barriers which prevent data sharing. We will consider any specific recommendations for further work (for example technical changes to existing data tools) on their merits once this first phase of work is complete.

Recommendation 7: There is a need to re-introduce a national Injury database with wider benefits beyond providing information & evidence for the recall system

We agree that data and information on accidents and incidents can be useful in identifying trends related to product safety and targeting action accordingly. However, the Government believes that the re-introduction of a national injury database would be a disproportionate response to the problem. Instead, we will incorporate consideration of

existing accident and complaints data into the work under Recommendation 6 above. This will include taking forward discussions with the insurance sector.

Recommendation 8: There is a need to improve consumer interest and involvement in the recall process – to research evidence-based ways to reach consumers and influence their behaviour

We agree that, ultimately, the recall system can only work with an effective level of consumer engagement. However, we believe that improved consumer awareness and understanding will come as a natural result of the other recommendations. Our priorities is therefore to take forward the actions set out elsewhere in this document and then review the situation regarding consumer interest and involvement. This will include reviewing consumer engagement with the “centre of excellence” developed under Recommendations 1 and 2 and exploring what else might be needed. In addition, we will ask the steering group to generate practical suggestions in this area.

Additional Recommendation: “University Challenges” – I also recommend bringing the many talents of tomorrow’s consumers to bear on a system which could benefit enormously from fast, creative solutions: ‘University Challenges’ tapping into the resources among our world-class students in a diverse range of departments Design, Media, and Engineering

We agree that the UK’s universities offer huge potential to develop novel, creative ideas to support delivery of the overall objectives of the Review (i.e. improved product safety). We will therefore work with the steering group (see Next Steps) to identify and agree potential categories, specifications and prizes for the challenge(s).

Next Steps

This document sets out the actions that Government will take in response to the Review's recommendations. However, Government cannot act alone; everyone with an interest in the recall system needs to play their part.

To support our actions, we will therefore set up a steering group comprising senior representatives from key stakeholders (manufacturers, distributors, trade associations, consumers groups and market surveillance authorities) and supported by BIS officials. This group will then appoint its own chair and terms of reference. The group will be tasked with monitoring progress on each of the actions outlined above, together with the actions taken by others in response to the Review.

We believe that having a group comprising of stakeholders that have a range of skills and perspectives and a vested interest in seeing an improved UK recall system will deliver meaningful and effective change. A report outlining progress against the actions will be published in due course.



© Crown copyright 2016

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication available from www.gov.uk/bis

Contact us if you have any enquiries about this publication, including requests for alternative formats, at:

Department for Business, Innovation and Skills
1 Victoria Street
London SW1H 0ET
Tel: 020 7215 5000
Email: enquiries@bis.gsi.gov.uk

BIS/16/69