



Department for  
Business, Energy  
& Industrial Strategy

# What you can expect of Safety & Standards Enforcement

Office for Product  
Safety & Standards

May 2018

This document explains what you can expect of the Office for Product Safety and Standards (Safety & Standards), part of the Department for Business, Energy and Industrial Strategy (BEIS).

We are committed, as a regulator, to providing you with an efficient, courteous and helpful service and this document tells you how we aim to do that and what standards we will meet. Our approach is further explained in related documents available on our webpages:

<https://www.gov.uk/guidance/national-regulation-enforcement-services>

## Areas we regulate

Safety & Standards (Safety & Standards Enforcement) is the market surveillance or enforcement authority for a wide variety of regulations across the United Kingdom. These include regulations for which BEIS has policy responsibility and regulations where Safety & Standards acts under formal agreements with other Government Departments.

Safety & Standards is also responsible for the safety of consumer products and is committed to working collaboratively with partners across the product safety landscape, including local authorities<sup>1</sup> who have a key role in checking compliance with product safety requirements and working with businesses to promote good product safety outcomes in the UK. This document sets out the general approach of Safety & Standards Enforcement in relation to the areas of regulation listed below, for which we are the responsible enforcement authority. It does not currently extend to Safety & Standards' responsibilities to establish national capacity for consumer product safety regulation but is subject to review to reflect these responsibilities.

General information on each regulatory area is available by visiting our webpages at:

<https://www.gov.uk/government/organisations/office-for-product-safety-and-standards>

or clicking on the links below:

[Access and benefit sharing of genetic resources](#) ('Nagoya Protocol')

[Alternative fuels infrastructure](#)

[Batteries and accumulators \(placing on the market\)](#)

[Ecodesign of energy related products](#)

[End of life vehicles](#)

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<sup>1</sup> In England, Scotland and Wales, local weights and measures authorities (often referred to as Trading Standards) have enforcement responsibilities in relation to non-food consumer product safety. In Northern Ireland these responsibilities rest with district councils.

[Energy information \(labelling of electric and electronic products\)](#)

[EU Timber Regulation](#)

[Forest Law Enforcement, Governance and Trade Licensing](#) ('FLEGT')

[Hazardous substances in certain electrical/ electronic products](#) ('RoHS')

[Heat network metering and billing](#)

[Noise emission in the environment by equipment for use outdoors](#)

[Waste batteries – takeback of portable batteries by distributors](#)

[Waste batteries – industrial and automotive batteries](#)

[Waste electronic and electrical equipment](#) ('WEEE')

The relevant webpages include links to more detailed resources and where we are not the sole regulatory agency responsible for a particular area of legislation the relevant webpage will provide further information on responsibilities.

## **How we regulate**

We operate across a range of business<sup>2</sup> sectors with a focus on technical, environmental and product based regulations. Our aims are the protection of consumers, businesses and the environment. We are committed to supporting growth by giving UK businesses the confidence to invest and innovate – we aim to do this by simplifying technical regulation and regulating in a way that avoids imposing unnecessary burdens on business.

We determine our activities by undertaking intelligence led and risk-based market surveillance to identify sectors, products and businesses which are likely to face compliance related challenges. We do this through widespread engagement with industry representatives, trade associations and civil society groups, and through using data and other information available to us and enforcement authorities that we work with. In this way we ensure our resources are targeted appropriately at priority areas.

We are committed to being transparent in our activities and we publish information about our performance so that you can see how we are doing. This includes an annual report on our enforcement and market surveillance activities and details of certain statutory enforcement actions that we have taken<sup>3</sup>. Information about your rights to access information that we have not published (under the Freedom of Information Act 2000, the Environmental Information Regulations 2004 or the General Data Protection Regulation) is available at:

<https://www.gov.uk/government/organisations/office-for-product-safety-and-standards>

We carry out all our activities in a way that supports those we regulate to comply and grow:

- We ensure that information, guidance and advice are available to help you to understand and meet legal requirements.
- We carry out inspections and other activities to check compliance with legal requirements, and we target these checks where we believe they are most needed.

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<sup>2</sup> The term 'business' is used throughout this document to refer to any legal entity that is regulated, including any form of business, individual, charity, public sector body or other form of organisation.

<sup>3</sup> The list of statutory enforcement actions taken is updated on a periodic basis and is available at: <https://www.gov.uk/government/publications/statutory-enforcement-actions>

- We deal proportionately with non-compliance with legal requirements, as set out in our [Enforcement Policy](#).
- We provide a range of services to businesses, including training, technical support, licensing and receiving statutory submissions.

We act in accordance with the principles of the statutory [Regulators' Code](#) and the [Growth Duty](#). However, in certain instances we may conclude that a provision in the Regulators' Code or Growth Duty is either not relevant or is outweighed by another provision.

## **Working with you**

In all your dealings with us you can expect, and will receive, an efficient and professional service. Our officers will:

- be courteous and polite;
- always identify themselves by name in dealings with you, and provide you with contact details;
- seek to gain an understanding of how your business operates;
- provide details of how to discuss any concerns you may have;
- agree timescales, expectations and preferred methods of communication with you; and
- ensure that you are kept informed of progress on any outstanding issues.

BEIS is a public authority for the purposes of the Human Rights Act 1998. We apply the principles in the Act and the European Convention for the Protection of Human Rights and Fundamental Freedoms. In particular, we will have due regard to the right to a fair trial and the right to respect for private and family life, home and correspondence.

We work across a wide variety of legislation, much of which gives us different powers, for example in relation to entering business premises, inspecting or seizing products and documentation, and dealing with non-compliance. In exercising our powers, we have regard to relevant legal requirements and codes of practice.

We are committed to treating those we regulate in a fair, unbiased and objective manner.

## **Helping you to get it right**

We want to work with you to help your business to be compliant and successful and it is important to us that you feel able to come to us for advice when you need it. We won't take enforcement action just because you ask us a question or tell us that you have a problem.

We make information and guidance on meeting legal requirements available through the legislation specific pages on our website at:

<https://www.gov.uk/guidance/national-regulation-enforcement-services>

We do not charge or recover costs for the provision of advice to those we regulate. Where you need advice that is tailored to your particular needs and circumstances we will:

- seek to fully understand the nature of your request;
- discuss with you what is required to achieve compliance;
- provide clear, reliable advice that can be easily understood and implemented;
- distinguish legal requirements from suggested good practice;
- ensure that any verbal advice you receive is confirmed in writing if requested; and
- acknowledge good practice and compliance.

Enquiries can be made by contacting us (see [How to contact us](#) below). In responding to requests for advice or guidance we will:

- acknowledge your request within 5 working days;
- tell you when you can expect a substantive response;
- explain what we may or may not be able to do, so that you know what to expect; and
- keep you informed of progress.

## **Inspections and other compliance checks**

We monitor and support compliance in a number of different ways including through inspections, test purchases, documentary reviews and investigations. Our visits will always be based on an assessment of risk – we won't visit without a reason.

We will give you reasonable notice that we intend to visit unless we have specific reason to believe that an unannounced visit is more appropriate, and we will undertake our visits at reasonable hours.

When we visit you our officers will:

- explain the reason and purpose of the visit;
- explain any powers of entry, or associated powers, that we are exercising;
- carry their identification card at all times, and present it on request when visiting your premises;
- exercise discretion in front of your customers and staff and, wherever possible, seek to minimise the potential for causing reputational damage to your business;
- seek, wherever possible, to cause as little disruption to the legitimate conduct of your business as is reasonably practicable;
- have regard to your approach to compliance, and use this information to inform future interactions with you;
- provide information, guidance and advice to support you in meeting your statutory obligations, if required; and
- provide a written record of the visit.

Where we test products for compliance we will notify the results of testing to the manufacturer (or their representative), the distributor, or the business responsible for placing the product on the European Union market.

When planning our market surveillance activities officers undertake a strategic risk assessment to establish which sectors to target. This is followed by operational risk assessments which review product or business specific information to further inform decisions on targeting.

## **Responding to non-compliance**

Our aim, when dealing with non-compliance, is to deliver fair and objective enforcement in a manner consistent with the intentions of the legislation and the necessity of delivering a robust and credible enforcement regime. Where we identify any failure to meet legal obligations, we will respond proportionately, taking account of the nature, seriousness and circumstances of the offence, including taking firm enforcement action when necessary.

Our [Enforcement Policy](#) explains how we will deal with breaches of law and is available via this link or by contacting us (see [How to contact us](#) below).

Non-compliance or suspected non-compliance by a business can be reported by contacting us (see [How to contact us](#) below).

## **Our team**

We have a dedicated team of officers who have the appropriate training, skills and experience to deliver the services provided. We have arrangements in place to ensure the ongoing professional competency of all officers.

## **Working with others**

We are part of a much wider regulatory system in the UK and European Union. We work closely with other national and local regulators<sup>4</sup> as well as our counterparts in other countries in order to share expertise and streamline our engagement with businesses.

We have good working relationships with other regulators which enable us to deliver a more joined up and consistent service. This includes sharing information and data on compliance and risk, where the law allows, to help target regulatory resources. We recognise that your business will receive advice and inspections from other organisations, and we will do our best to work with them where appropriate to ensure that you receive the best service.

## **Having your say**

### **Complaints, challenges and appeals**

We are always willing to discuss with you the reasons why we are considering or have made a particular decision. Where we take enforcement action, there is often a statutory right to appeal. Where you do not have a statutory right to appeal, you are still entitled to challenge our advice, actions or decisions if you believe that we are wrong. Details of your rights to challenge or appeal are set out in our [Challenges and Appeals Guidance](#), is available via this link or by contacting us (see [How to contact us](#) below). We will always tell you about your rights at the appropriate time.

If you are dissatisfied with our service or behaviour, please send us your complaint or comments. Our aim is to resolve any problems or difficulties quickly and fairly. We manage complaints about our service, or about the conduct of our officers, through our [Complaints Policy](#), available via this link or by contacting us (see [How to contact us](#)).

### **Feedback**

We value input from you to help us ensure our service is meeting your needs. We would like to hear from you whether your experience of us has been good or in need of improvement. This helps us to ensure we keep doing the right things and make changes where necessary. We use satisfaction surveys from time to time but we would welcome your feedback at any time. You can provide feedback using the contact details above.

Any feedback that we receive will be acknowledged, considered and, where appropriate, responded to.

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<sup>4</sup> The regulators with which we work include: the Environment Agency, the Forestry Commission, Natural Resources Wales, Forestry Commission Scotland, the Health and Safety Executive, various health regulators and local Trading Standards Services.

## Developing our services with you

We recognise the important role that trade associations and other business organisations play in representing the interests of business in particular sectors. We also value input and scrutiny of our activities from consumer groups, environmental groups and other interested parties. We engage proactively with such organisations and are always happy to welcome approaches from them.

We value the views of businesses and others in ensuring that we are delivering our services to meet the needs of our different stakeholders. We work in particular with Safety & Standards' Business Reference Panel. This group of over 100 organisations and trade associations, representing a wider network of around 1 million businesses is always happy to welcome new members – if you are interested in participating please contact us using the contact details below.

## How to contact us

You can contact us by:

- Email: [opss.enquiries@beis.gov.uk](mailto:opss.enquiries@beis.gov.uk)
- Online Enquiry Form: <https://www.rohs.bis.gov.uk/enquiry>
- Telephone: 0121 345 1218
- Post: Office for Product Safety and Standards, PO Box 17200, Birmingham B2 2YT

We will seek to work with you in the most appropriate way to meet your individual needs. We can make information available in different formats, and have access to translation and interpretation services. Full information can be found on the gov.uk website:

<https://www.gov.uk/help/accessibility>

If you contact us we will ask you for your name and contact details to enable us to keep in touch with you as the matter progresses. We will only deal with anonymous complaints and enquiries where we judge it appropriate to do so.

In responding to allegations or information about non-compliance or suspected non-compliance:

- we will acknowledge your allegation or information within 5 working days;
- we may request further information from you;
- we will critically assess the information provided against a range of criteria, to help us determine the appropriate response;
- we will explain how we may respond, so that you know what to expect; and
- We will determine whether it is appropriate to share information with you about the outcome of the allegation on a case-by-case basis.

We treat all contact with the service in confidence unless you have given us permission to share your details with others as part of the matter we are dealing with on your behalf or there is an operational reason why we need to do so. Personal data will be managed in accordance with the General Data Protection Regulation and other relevant legal requirements.

**Dated:** 25 May 2018

**Name:** Duncan Johnson

**Job title:** Deputy Director (Delivery)

**Review Due:** 25 May 2020