Foreword

The safety of products we have in our homes matters to all of us. Consumer products are an essential part of our everyday lives. From the furniture we sit on and the fridges that store our food safely, to the devices that connect us to the world and the toys we buy for our children, they make our lives easier and richer. As Minister for Consumers I want everyone to be confident in the safety of the products that we all rely on, whether we choose to purchase them from the local shop, the high street or online.

The Office for Product Safety and Standards (OPSS) exists to deliver effective, trusted regulation for consumer products, which puts consumers first, and enables businesses to understand and meet their obligations. As well as the safety of products, they also enforce important environmental protections and requirements for quantity. This makes sure that what we buy is safe, we get the amount we paid for and the impact on the environment is minimised.

This Delivery Report sets out how OPSS protects consumers through robust product regulation, working with local trading standards officers and delivering with partners.

By bringing national capacity and leadership to product regulation for the first time, the UK now has a consumer product regulator that is addressing the difficult challenges. OPSS is still in its formative stage but already its unprecedented actions have resulted in Whirlpool initiating a full recall of up to 800,000 tumble dryers. It has launched an ambitious science programme to address challenges ranging from new technologies to indelible marking to identify products after a fire, and to give insights into consumer behaviour. Its first consumer campaigns have reached millions of people and it is building an evidence base for areas of concern including fireworks. It is increasing the capability we already have in trading standards teams across our local communities with funding for product testing from laser pointers to cosmetics and providing free, specialised training.

This is just the start.

Product regulation has never been more important. As our products and lives become more connected, we need to be ready for the next challenge, and those that will follow. As we leave the EU, effective product regulation will underpin opportunities for global trade in consumer goods. The work of OPSS will ensure we have a modern regulatory system with the expertise and capacity to protect consumers and help responsible businesses to thrive.

Kelly Tolhurst
Minister for Small Business, Consumers & Corporate Responsibility
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OPSS Delivery

Online product safety – ensuring recalled products are not available for sale on retail websites by working with online platforms and their Primary Authorities.

Second-hand electricals – identifying potential risks from sales of second-hand electricals through joint research with Electrical Safety First to understand the market.

Supply chains – identifying fulfilment houses that may present a risk for product safety and supporting local authorities to assess their compliance.

Domestic appliances – reviewed compliance systems of suppliers representing around 80% of the UK domestic appliance market - strengthening oversight of product safety and standards.

Testing – £500k for local authority product testing prioritising cosmetics, ladders, slime toys, lasers and fireworks, 1,000 samples taken – improving safety and compliance.

Borders – £245,000 additional investment to support local authority led teams at points of entry – keeping unsafe products out of the market.

Recalls – Rollout of standard for product recalls, including training 290 people and free access for SMEs – taking unsafe products off the market.

Information sharing – rollout of product safety database – enabling regulators to share information about product risks and raise safety alerts.

Research – invested £2m in strategic research on product hazards and compliance solutions – helping to identify and manage risks.

Business support – supported 86,000 businesses participating in Primary Authority – providing them with clear guidance on regulatory compliance.
**Consumer information** – launched safety campaigns on lasers, toys, fancy dress, fireworks and batteries which reached over 2 million people – informing them how to keep safe.

**Global expertise** – delivered inspection reform conference which attracted delegates from 60 countries – sharing best practice to drive continuous improvement.

**Frontline training** – provided free training for trading standards officers across 190 local authorities – building capability to protect consumers and support business compliance.

**Scientific and technical advice** – answered 200 requests for scientific and technical advice – informing sound decisions and effective enforcement.

**Access to technical standards** – Enabled 850 trading standards officers to benefit from free access to British Standards – supporting effective enforcement.

**Product standards** – supported 179 technical standards committees, enabled over 2,000 standards to be published, and supported 2,100 UK committee members to attend international standards committees – ensuring safety requirements keep pace with changing products and technologies.

**Consumer views** – creating workable solutions through attitudes survey of 4,000 consumers – helping us understand their concerns and perceptions.

**Frontline enquiries** – resolved 7,500 enquiries from businesses, consumers and regulators – ensuring they have the information and support they need.

**Online information** – driving average of 5,000 visits a week to our regulatory information pages on gov.uk – providing accessible advice and guidance.
Introduction
Introduction to the Office for Product Safety and Standards

The Office for Product Safety and Standards (OPSS) was created in January 2018 to deliver consumer protection and to support business confidence, productivity and growth. We regulate a wide range of products with a focus on their safety and integrity. We work with local, national and international regulators, with consumer representatives and with businesses to deliver effective protections and to support compliance.

Our Mission

Our mission is to be a trusted product regulator for the UK. This means protecting people and places, enabling business to thrive and empowering consumers to make good choices. We will be a leader of good regulatory practice and a champion of local regulation.

Our Responsibilities

We are the national regulator for product safety,\(^1\) providing scientific and technical capability, working with local trading standards services to keep consumers safe and ensure business compliance.

We are the national regulator for legal metrology, ensuring weighing and measuring instruments are accurate and reliable, guiding the work of local authorities to give confidence to consumers and businesses in goods traded by quantity.

We lead Government policy on product safety, metrology, hallmarking and market surveillance and are responsible for preparing for EU exit in these areas, including product safety at the border.

We lead standards and accreditation policy across Government, working with the British Standards Institution (BSI) and the United Kingdom Accreditation Service (UKAS) – providing benchmarks for the manufacture of safe products and assuring the quality of testing, calibration and certification services.

We sponsor the British Hallmarking Council – delivering confidence in the market for precious metals.

We are the UK Government’s enforcement authority for a range of goods-based and standards-based regulations. We enforce energy efficiency and environmental pollution requirements in product design and performance, standards and measurement in the energy supply infrastructure and due diligence in the trade of designated raw materials – protecting consumers and the environment and helping to meet international commitments.

We work with the Foreign and Commonwealth Office and with the Department for International Development in key partner countries to support the development of regulatory environments that provide opportunities for UK businesses to trade around the world.

We work with local regulators to help deliver the Industrial Strategy aims of simplifying local regulation and enabling businesses to succeed, through Primary Authority and Better Business for All – helping local regulators to engage with businesses in ways that deliver compliance and enable businesses to invest with confidence.

Effective delivery of regulation across all these areas protects consumers and enables them to make informed purchasing decisions, provides industry with confidence when trading in the UK and in international markets, and delivers against international commitments made by the UK Government, for example on global environmental protections.

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\(^1\) Our product safety responsibilities cover all consumer products, except for vehicles, medicines and food. Examples of the products we cover include electrical appliances, toys, furniture and cosmetics.
Our Strategic Approach

Our strategic approach is built around four pillars:

**Analyse:** We make the best use of scientific evidence, data, risk and intelligence in decision making.

**Inform:** We help consumers make informed choices and give businesses the information they need to comply.

**Enforce:** We use the full range of tools and powers to maintain protection, fairness and confidence.

**Build:** We are putting in place an infrastructure that equips the UK for future challenges.

These pillars are interconnected and mutually reinforcing. Analysis drives our decisions and interventions. Engagement and collaboration with our partners and stakeholders shapes our information and communication campaigns and industry guidance. Enforcement tools and powers and our national incident responses build confidence and create fair competition. Our investment in infrastructure, skills and facilities are supporting greater resilience and strengthening local capability.

We are guided by three principles – the importance of **protection**, a commitment to **partnership**, and a focus on the **practical**, real world, impact. Our impact is described in this first Delivery Report, that highlights key achievements over the last year, mapped against our four strategic objectives.

The work areas and deliverables described in this report against our four pillars are as follows:

### Analyse

- Scientific and Technical Advice Unit
- Intelligence Unit
- Analysis and Risk

### Inform

- Consumer Information Campaigns
- Business Compliance
- Standards and Accreditation
- Stakeholder Engagement
- Improving Product Recalls
**Enforce**

- Product Standards, Supply Chain and Energy Supply
- Product Safety Enforcement
- Intercepting Goods at Borders
- Primary Authority and Supporting Regulator
- Legal Metrology

**Build**

- Capability and Coordination
- Policy and Regulatory Framework
- Product Testing Capability
- Incident Management
- Digital Services
- Collaboration and Networks
Analyse
We make the best use of scientific evidence, data, risk and intelligence in decision making.

Sound science is critical to understanding product risks, protecting consumers and delivering compliance. We have commissioned research to examine key issues and formed a specialist scientific and technical unit to provide advice to inform both our work and that of trading standards. The data we need to drive risk-based prioritisation on product regulation is held in multiple places, and in some cases not collected. We have worked with partners, agreeing routes to sharing data and set up a national intelligence unit to analyse and disseminate intelligence on product risks. We have also begun to give advice to trading standards on product risk assessments, ensuring enforcement decisions are made based on risk.

Scientific and Technical Advice Unit

We have established a Scientific and Technical Advice Unit, staffed with scientists, engineers and technical regulation specialists. In the last year, we have responded to over 200 enquiries for technical advice from trading standards and OPSS enforcement and policy teams. Technical advice on subjects including the presence of chemicals in cosmetics and toys, component level studies of white goods and biological impacts of noise from fireworks has been used to support enforcement action and policy development.

Technical advice on boron levels in slime and putty toys

Which? notified OPSS of high boron levels detected in slime toy products and their misclassification as a putty which is permitted to contain a higher concentration of boron. Trading Standards and Public Analyst Scientific Services confirmed there was inconsistency in the interpretation of the toy safety standards for boron content in slime and putty toys. In some cases, this raised safety concerns and led to disputes over the compliance of particular slime and putty toys.

Our Scientific and Technical Advice Unit investigated this and identified that differences in sample preparation approaches as well as the misclassification of the toy material ‘category’ was resulting in inconsistent test results. We facilitated the engagement of Trading Standards and Public Analyst Scientific Services with the BSI toy safety committee who engaged with the European standards committee. The result was a clarification on the test approach from Europe. In addition, OPSS is participating in a cross-European market surveillance project with agreed consistent methodology for testing slime and putty, which aims to assess the extent of non-compliance in slime and putty toys.
We have embarked on an ambitious research programme, which commissions and assures high quality strategic science-based research to strengthen the evidence base for product safety policy, delivery and enforcement. Last year we invested approximately £2million on subjects as varied as fire indelible markings, safety of Internet of Things devices, characteristics of modern fires and a large consumer survey investigating consumer attitudes to product safety.

We are also setting up a research hub, that will give us direct access to advice and research capability from academia across of range of scientific disciplines. This hub will be an efficient generator of high-quality research and allow greater use of innovative research methods.

The focus areas of our product safety research programme are shown below:

- **Installed products**: Understanding safety issues with existing technologies
- **New safely solutions**: Evaluating new solutions for improving product safety
- **Behavioural Insights**: All techniques to improve regulatory compliance
- **Technology foresight**: Identifying safety issues with new technologies

More details of the research we have undertaken and our plans for 2019/20 can be found in our Strategic Research Programme update available on our website.
Indelible Product Marking

Precise identification of appliances after a fire is important so that products with a high failure rate can be identified quickly. A scoping study is underway, assessing the technical options and practical challenges and opportunities for indelible marking of appliances to ensure visibility after a fire. We recently held a workshop with the Association of Manufacturers of Domestic Appliances and the London Fire Brigade, to ensure that the research is grounded in the reality of this complex issue. We are now developing options with stakeholders on the future design of indelible labels and how they could be displayed.

Intelligence Unit

We have been accessing data and sharing intelligence with key partners including local authority trading standards, National Trading Standards, Citizens Advice and the Intellectual Property Office as well as becoming members of the Government Agencies Intelligence Network. We have broadened the range of data and intelligence sources we have access to including developing a social media monitoring capability, which enables us to gain an insight into consumers’ product safety issues which may not be reported through traditional channels such as Trading Standards or Citizens Advice. We have begun the process of developing a border intelligence hub, building on the work of National Trading Standards, so that we can provide a centralised, intelligence led approach to targeting unsafe products as they enter border points across the UK.

Through the Royal Society for the Prevention of Accidents we are working with six A&E Departments and one GP surgery to use data already collected as part of emergency care to improve identification of products that are causing harm to consumers. We are opening up new data channels with fire services to provide better data on product related fires working closely with the Home Office, London Fire Brigade and the National Fire Chiefs Council.

Analysing compliance issues in markets

Where we receive intelligence about issues in a particular market, or a new product comes into scope of regulations we enforce, we begin with analysis to assess the awareness, understanding and compliance behaviour in that market. This year analysis has included digital pregnancy tests, electronic weighing equipment (see Annex C²), automotive batteries (see Annex C³), end of life vehicles and product safety issues related to second-hand goods. For example, in relation to end of life vehicles we have been developing relationships with a wider range of trade associations with a view to building our understanding of current issues in the sector and preparing for work on car parts. On second-hand electrical goods, we have commenced research with Electrical Safety First to gather evidence of how and where electrical products are being sold in traditional second-hand markets (e.g. charity shops, car boot sales) as well as online. This information will be used to provide advice to consumers and to sellers of goods about their responsibilities when selling or buying second-hand electrical goods and to establish priorities for future activity.

2 Digital pregnancy tests and weighing equipment have both recently been brought into scope for the Restriction on Hazardous Substances Regulations (RoHS) https://www.gov.uk/guidance/rohs-compliance-and-guidance

3 Market analysis in relation to Batteries (Placing on the Market) Regulations https://www.gov.uk/guidance/batteries
Analysis and Risk

We have recruited a team of analysts to ensure our work is underpinned by robust analysis. This year our economists, statisticians and social researchers have provided analysis on trade flows following EU Exit, statistical modelling of safety incident data, impacts of policy and legislative changes and supported teams to plan monitoring and evaluation for their work. We have established an expert risk assessment team which plays a key role in enforcement decisions and is providing advice to local authorities on product safety risk assessments. Working with the Chartered Trading Standards Institute, we created a bespoke product safety risk assessment course which 270 local authority officers attended.

Risk Assessment Advice

OPSS was contacted by a local authority requesting assistance in relation to product risk assessments they had been sent by a business. The local authority and the business were in dispute over the validity of the business’s risk assessment in relation to safety issues with one of its electrical products. OPSS reviewed the risk assessments and gave advice to the local authority concerning the risk assessment methodology used and the need for failure mode and root cause analysis to be undertaken. The local authority then raised these issues with the business, which led to further investigations being undertaken that ultimately resulted in the business issuing a safety notice to consumers using the affected product, warning them of action they needed to take to ensure their safety.
Inform

We help consumers make informed choices and give businesses the information they need to comply.

Consumers need clear and accurate information to understand risks and to make informed decisions. We have established a programme of consumer information campaigns, working with partners to spread safety messages. We are conducting research to understand the best ways to empower consumers, including work on improving product recalls. Businesses need a clear understanding of what is required of them to deliver compliance. While many businesses are well-intentioned, we recognise that lack of awareness, understanding or technical capacity, are often contributory factors where compliance is not being achieved. This can be particularly evident where the regulation is highly technical in nature. We have conducted a range of activities to support businesses in understanding their responsibilities.

Consumer Information Campaigns

We are building strong partnerships with organisations that already deliver product safety messages to consumers. By working with trusted partner organisations, we have maximised the impact of our consumer campaigns and targeted messages more reliably. Over the last year, we have worked with Netmums, the Royal Society for the Prevention of Accidents, Electrical Safety First, Child Accident Prevention Trust and the Chartered Trading Standards Institute. Our targeted campaigns on fancy dress safety at Halloween, fireworks, staying safe when buying online, laser pointers and toy safety reached over 2 million people through social media, health professionals, Post Offices and NHS GPs’ surgeries. We are currently working with industry and consumer groups to improve warning notices on products containing button batteries, and to raise awareness of the potential dangers to children from swallowing them.

We have been conducting research into consumer attitudes to product safety, including focus groups, accompanied shopping and quantitative surveys covering over 4,000 consumers to shape our communications with consumers.

Business Compliance

Alongside enforcement (see ‘Enforce’ on page 23), we use a range of interventions to support compliance, including awareness raising activities; provision of information, guidance and tailored advice; and supporting businesses to address non-compliance.

Raising awareness of regulatory requirements amongst regulated entities

We undertake business awareness raising activities across our enforcement responsibilities, but these are a particular focus for newer areas of regulation or where we know lack of awareness is an issue. We raise awareness of regulatory requirements by: presenting at events and conferences; running tailored workshops; producing news pieces and magazine articles; contributing to blogs; and dissemination of updates via social media and email alerts.
Raising awareness of access and benefit sharing regulations

We regulate the requirements for UK businesses, research institutions, public bodies and others to demonstrate that they have undertaken due diligence to ensure genetic resources – such as plant or animal materials – have been accessed legally. Previous engagement has highlighted that levels of understanding of the regulatory requirements are low. Our primary focus has been on raising awareness and supporting understanding of the requirements, as well as on furthering our own understanding of sector specific challenges faced by organisations in meeting them. We have continued building relationships with organisations that can support us in raising awareness including research establishments, businesses, trade associations, public sector organisations and NGOs. We have presented at a number of events and trade shows across the UK, and worked with Defra to organise tailored events, including workshops for the Marine Biological Association and the Association for Research Managers and Administrators.

Providing information, guidance and tailored advice to the businesses that we regulate

Information and guidance on the regulations we are responsible for is made available on the Government’s Gov.uk website. Last year there was an average of 5,000 visits to these pages each week. We have conducted a review and updated the product safety information for businesses, regulators and consumers on GOV.UK, using user feedback to make it easier to find the right information.

Electrical Safety First commented that our updated product safety pages were an excellent example of making material user-friendly:

“no jargon, straightforward language and clear signposting to more detailed guidance and advice, ensures you can easily find what you are looking for.”

Better Business for All - local regulator and business partnerships

Local Better Business for All partnerships bring together businesses and regulators to identify the issues facing local businesses and shape the provision of effective support services to them. Last year we set up pilots in seven local areas to better integrate advice from local regulators to business into Growth Hubs. As part of the Industrial Strategy Tourism Sector Deal we are working with the Tourism Alliance in England to carry out further research on how and why businesses within the tourism sector obtain advice about regulatory compliance, which will inform the shape of further advisory services including Primary Authority. The outcome of this will provide businesses with greater clarity on regulatory issues and in turn reduce some administrative time and costs for hospitality businesses.
Inform

Sector specific advice on timber regulations

We regulate the requirements for businesses to ensure that any timber products they sell contain only legally harvested timber (see Annex A for details). In these areas we see low levels of awareness and understanding of the regulatory requirements, which may result in non-compliance and so have worked with partners to raise awareness in targeted sectors. For timber regulations, we have worked with the Timber Trade Federation, British Marine, the British Retail Consortium, and the Federation of Small Businesses to organise nine sector specific workshops across the UK. 150 business participants attended, receiving training on risk identification and mitigation, with input from monitoring organisations and a testing laboratory. Feedback was positive, for example:

“It was challenging as this is a new category of product for me; however the basic principles of how to source timber legally and ethically, how to test and provide the chain of custody required, the potential high-risk sourcing territories etc were very well explained”

Timber workshop attendee

Standards and Accreditation

OPSS leads on standardisation and accreditation policy. We lead the Government’s relationship with BSI and UKAS, the national standards and accreditation bodies respectively, and facilitate engagement with other government departments involved in policy specific discussions. We administer grant funding to BSI and UKAS and priorities are set through Memoranda of Understanding.⁴ Last year the BSI grant supported 179 technical standards committees, enabled over 2,000 standards to be published by UK committees,⁵ and supported 2,100 UK committee members to attend international standards committees, ensuring that UK interests are represented when international standards are created or updated.

We are active members of BSI’s Standards Policy and Strategy Committee. We are encouraging BSI to improve the diversity of all its standards-making committees, and we monitor their progress on this. We are also working to increase the number of trading standards officers on standards committees by providing funding to reimburse travel expenses. We offer similar support to members of BSI’s Consumer and Public Interest Network so they can participate in standards committees where the views and voice of consumers is needed. We are active members of the UKAS Policy Advisory Committee and Forum.

Ensuring safety standards are appropriate

We have launched new research to look at common components found in consumer products such as capacitors to better understand the risks associated with them. Results of this work will inform the future development of product safety standards. We have worked with international and European standards making bodies on improvements to the standard for fridge freezers, and as a result the standard has been revised to reflect UK concerns and is fully applicable from 11 July 2019. The revision contains new requirements for ensuring fire safety of fridge freezers and introduces flammability test methods for assessing the fire resistance of the backing material used on them.

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⁵ UK committees which receive a contribution to their running costs from OPSS funding, including by access to international standardisation
Stakeholder Engagement

We have been collaborating with stakeholder groups across our programme. For example, with the Chartered Trading Standards Institute we have developed a programme to provide learning and development for frontline trading standards officers, with Electrical Safety First we have collaborated on a project to explore options for electronic marking of electrical products and are working together to investigate the second hand electrical goods market. With the Royal Society for the Prevention of Accidents we are working jointly on consumer safety campaigns and evaluating how best to gather data on accidents caused by products. We see great value in bringing stakeholders together to collaborate on issues of mutual interest. Our Business Reference Panel meets quarterly and provides a forum for business organisations (representing over one million businesses) to share ideas and feedback views on how regulation is impacting on them. Last autumn, Minister Kelly Tolhurst hosted a ‘round table’ of consumer bodies, to introduce the product safety strategy and talk with them about how they can support its delivery.

Improving Product Recalls

How manufacturers and importers respond to product safety incidents is a critical piece of the product safety jigsaw. Not all issues are picked up before products are placed on the market, and sometimes problems are only identified once significant numbers have been purchased by consumers. At this point it is vital that businesses have the preparations in place to take effective action when needed and that enforcement authorities are able to ensure this is happening. Previous analysis has identified a lack of clarity over the handling of such incidents. We supported BSI to produce a code of practice on product recalls (PAS 7100) and over the year we have trained 294 trading standards officers and businesses on implementing the Code. We have ensured it is available for free to SMEs and trading standards officers, making sure that the businesses most likely to need guidance can access it and are able to work with their local authority trading standards officer to ensure they have the plans in place to deal with an incident.

We also made improvements to the Product Recall site6 to make it easier to find information and have started research to better understand how consumers want to receive messages about safety and recalls. This will feed into the development of our new product safety database. We are also developing and testing new ways to improve product registration rates using behavioural insights. The experimental trial will start in Autumn 2019 and report in Summer 2020.

Primary Authority advice supporting effective recalls

Cornwall Council is the primary authority for Quality in Tourism (QT), a membership organisation for hospitality, tourism and leisure businesses which provides expertise and advice to improve business performance. As primary authority, it will work with QT in relation to developing tailored advice for the organisation’s 5000 members on meeting environmental health, trading standards and fire safety regulations. Cornwall Council has provided advice on the ‘Safe, Clean and Legal’ document which QT’s assessors use. Importantly, the Primary Authority advice ensured that the assessment document now includes advice on the registration of domestic appliances.

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6  https://productrecall.campaign.gov.uk/
Enforce
We use the full range of tools and powers to maintain protection, fairness and confidence.

No regulation is effective without adequate and appropriate enforcement. We enforce throughout the lifecycle of consumer products from design to disposal and across multiple regulatory systems on safety, accuracy and environmental harm. On product safety and metrology we work alongside local authority trading standards, and lead on national, novel or contentious issues. In other areas we are the sole enforcement authority, acting as the enforcement authority sometimes for other parts of Government on a cost recovery basis. In addition, we support effective enforcement by local authorities by operating Primary Authority.

Product Standards, Supply Chain and Energy Supply

We are the enforcement authority for a range of goods-based and standards-based regulations, on behalf of BEIS, Defra, the Department for Transport and the Office for Low Emission Vehicles. These regulations cover:

- reducing energy consumption and greenhouse gas emissions from products;
- minimising levels of hazardous substances in electrical products and batteries;
- maximising recycling of electrical products and batteries;
- reducing noise pollution from products;
- ensuring accuracy of electricity and gas meters;

- ensuring raw materials for products are sourced legally, and do not contribute to environmental detriment, illegal or illicit practices; and
- ensuring compatibility and accuracy for the electric vehicle charging infrastructure.

Full details of these regulations are available at [www.gov.uk/guidance/national-regulation-enforcement-services](http://www.gov.uk/guidance/national-regulation-enforcement-services).

Checks on compliance

Based on risk, we undertake checks on compliance with the aim of ensuring that individual businesses are meeting their obligations. Checks are made using a range of interventions including conducting inspections of premises and goods; checks on technical documentation and business records; and testing of products. Checks included testing of products being sold direct to UK consumers via online platforms. In areas where regulatory requirements are new, we take information from these checks to inform our understanding of business compliance.

Where non-compliance is identified, we are committed to responding in a proportionate manner, as set out in our Enforcement Policy. We take account of the nature, seriousness and circumstances of any non-compliance with regulatory requirements, including considering steps being taken by the business to address the non-compliance. Our aim is to enforce in a way that is fair and objective while also being robust, credible and consistent with the purpose of the legislation.

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We provide guidance and advice as a response to dealing with non-compliance, where we consider this to be proportionate and where we think it will be effective in achieving compliance. However, we also have a wide range of statutory enforcement actions available. These are dependent on the legislation we are acting under, and we use these where it is proportionate and necessary. For example, firm action will be taken where non-compliance is deliberate, persistent or amounts to reckless failure to act or where the action being taken is not satisfactory.

Further details on compliance checks for the following areas is provided in annexes:

- Annex A: Timber
- Annex B: Waste electrical products and batteries
- Annex C: Hazardous substances in products
- Annex D: Energy efficiency of products
- Annex E: Heat networks
- Annex F: Electricity and gas metering

Ensuring accuracy of energy meters

We are responsible for the accuracy of electricity and gas meters, funded by the energy suppliers. During 2018 we agreed a programme of in-service testing of meters for accuracy with the main energy suppliers. The 1,500 samples tested represented an installed population of over 850,000 meters and all samples passed, providing confidence to consumers that they are being billed accurately for gas and electricity. See Annex F for more details.

Product Safety Enforcement

Domestic appliance manufacturers

The domestic appliance market has been a priority focus this year and we have been working with manufacturers and importers to review their compliance systems and technical documentation to strengthen oversight of the way the system is operating to protect consumers. We are engaging with manufacturers and importers to ensure we understand their business models and supply chains and making sure they are clear about responsibilities, offering guidance and advice where necessary.

We have worked with 18 manufacturers and importers that together represent around 80% of the domestic appliance market in the UK. We have conducted compliance assessment inspections with each manufacturer and importer, alongside the Primary Authority where appropriate, reviewing their technical documentation and processes to understand their approach to compliance across the areas of product regulation that we cover, as well as their approach to product recalls. We also conducted laboratory testing on a sample of their products to assess compliance for safety and other product requirements. Most manufacturers had recall incident plans in place. Specific follow up actions for areas of improvement are being agreed as required.

In May 2018 we published the findings of our product safety investigation into the Hotpoint fridge freezer model identified by the Metropolitan Police as being involved in the Grenfell Tower fire. This concluded that the product met legal safety requirements and that the risk associated with the model is assessed as low.
In June 2018 we launched a review of the effectiveness and adequacy of the action taken by Whirlpool Corporation within the UK to address the risk of fires arising specifically from excessive lint build-up on the rear seal of certain models of tumble dryers. Our multidisciplinary review team explored whether Whirlpool’s technical modification, designed to reduce the risk of lint fires arising from its tumble dryers, was effective in both design and installation, while also reviewing whether Whirlpool’s consumer outreach programme was adequate. We published our initial findings in April 2019 alongside requirements for further action from Whirlpool. We monitored Whirlpool’s actions against these requirements and found it had not taken sufficient action with respect to 800,000 unmodified tumble dryers remaining in homes. In July 2019, following OPSS issuing a notice of an intention to serve a Recall Notice on Whirlpool, Whirlpool launched a recall of the unmodified machines.

Online product safety and fulfilment houses

Fulfilment houses enable online sellers to deliver goods to consumers quickly but there are issues for enforcement of product safety requirements. We have identified fulfilment houses that may present a risk for product safety and are supporting local authorities to assess their compliance. We are developing working instructions for frontline enforcement staff, building on the National Trading Standards toolkit and developing a training course. We have been engaging closely with other agencies and will conduct joint enforcement visits over the next six months. The aim of this work is to provide a co-ordinated approach across the UK to disrupt the risk of unsafe goods entering the UK via fulfilment houses.

We are setting up an online product safety enforcement team, providing the skills and tools needed to investigate the online product marketplace robustly. In June 2018, major online marketplaces such as Amazon and eBay signed up to the European Product Safety Pledge, committing to removing unsafe products from their websites quickly. We have developed relationships with Amazon and eBay and their primary authorities to better understand their approaches to removing unsafe products from their sites and continue to explore innovative ways to improve product safety checks. We have worked with local trading standards to have non-compliant products withdrawn and corrective action taken by the business. Following Whirlpool’s recall of tumble dryers, we assessed steps taken by major online platforms to ensure recalled products were not available. We received assurances from online platforms of specific actions including manual sweeps of sites to remove affected listings, filters to stop new listings and work to auto block listings of affected products.

Collaborative enforcement with trading standards

We have been working with trading standards on national, novel and contentious issues, for example on asbestos in cosmetics and boron in slime toys. We have also drafted template safety notices for use by trading standards, making these available online to make it easier for officers to take a consistent, robust approach to enforcement action.

We have begun a national sampling project on high-powered lasers, facilitated by the trading standards regional coordination network. 260 laser pointers and items incorporating lasers were test purchased by trading standards and screen-tested using testing equipment we provided. Those that failed the screen test were submitted for formal testing and when results are available, trading standards will assess necessary enforcement action.
**Intercepting Goods at Borders**

**Borders** – £245,000 additional investment to support local authority led teams at points of entry – keeping unsafe products out of the market.

Ahead of EU Exit we have been working with trading standards at key UK entry points to strengthen our ability to stop unsafe products at the border. Last year we invested an additional £245,000 to support local authority led teams at points of entry in England and Wales, bringing the total BEIS investment through National Trading Standards on product safety to £1.45m. This included direct funding to 15 local trading standards teams to inspect items at ports, airports and postal hubs and detain unsafe and non-compliant consumer goods. We are working with local authorities in Scotland and Northern Ireland, including funding some additional activities, setting up coordination mechanisms and providing training. We have provided frontline enforcement officers at strategic points of entry with portable electrical appliance testing equipment that allows them to screen for electrical safety faults in imported products more effectively.

**Product Safety Testing**

We provided £500k of funding to local authority-based testing houses to enable local authorities free access to appropriate testing of products for compliance with product safety legislation. 1,000 samples were tested including toys, cosmetics, electronics and furniture, and the programme is continuing this year.

We are also conducting supplementary market surveillance testing of some products ourselves, either in our Teddington laboratory or through external test houses. This includes cosmetics, smoke alarms, carbon monoxide detectors, baby carriers and pushchairs. Results of our testing programme will be used to inform our intelligence-led priorities for safety risks, our evidence base for informing product standards, and where any safety breaches are found our enforcement team will collaborate with trading standards to take appropriate action to ensure future compliance by the business.

**Primary Authority and Supporting Regulator**

**Business support** – supported 86,000 businesses participating in Primary Authority – providing them with clear guidance on regulatory compliance.

Primary Authority is a statutory mechanism enabling any business to form a partnership with a single local authority, which provides reliable advice that other local regulators must follow. OPSS operates Primary Authority, enabling businesses to benefit from increased confidence in their compliance. We have continued to support the forming of Primary Authority partnerships and by the end of March 2019 there were 86,000 businesses participating, an increase of 16,000 over the year. We have supported a number of new partnerships with a product safety focus this year, including the Door Federation, British Marine Federation, Tile Association and the British Independent Retailers Association. Ensuring that local authorities have the tools and capability to provide high quality assured advice is a priority and over the last year we trained over 300 local authority regulators on Primary Authority.

The first Primary Authority Advice we have agreed as a Supporting Regulator (with Warwickshire Trading Standards) was issued in September. The advice was agreed with Propertymark and the Property Ombudsman which are trade associations for estate agents across the country and covers the responsibilities of letting agents and landlords relating to the safety of domestic appliances supplied in rented accommodation.
Metrology - NMO

OPSS is the national regulator for metrology, and NMO, which is part of OPSS, provides product certification, quality management system certification, testing, calibration and training services in relation to metrology from our laboratory in Teddington. Our extensive expertise and experience ensure that the legal metrology system is robust, creating reliable and trusted measurement for the trading of goods by quantity. We are responsible for the policy and implementation of the regime which ensures weighing and measuring instruments are accurate, including through verification of instruments prior to and during their use. We provide support and training opportunities for local authorities and deliver the practical metrology examinations for trading standards officers on behalf of the professional body. We represent the UK at international level, influencing and ensuring the UK’s manufacturing interests are represented at the International Organisation of Legal Metrology.

Calibration of weighing and measuring instruments

Through NMO we provide a statutory calibration service under the Weights and Measures Act 1985, checking the accuracy of the mass, length and volume standards held by local authorities for use in their enforcement activity. Last year we visited 11 local authority laboratories across the UK and calibrated the mass, length and volume standards as part of our five-year rolling programme. We also offer mass, length and volume calibration services to businesses, through our UKAS accredited laboratory. Last year we calibrated 700 artefacts for mass, weight or volume and calibrated 60 gauges for measuring fishing net mesh size, supporting the Marine Management Organisation and Marine Scotland in providing environmental protections.

Certification services

NMO is an EU notified body and part of the international OIML certification system for weighing and measuring instruments and provides certification services to businesses under these regimes. Product certification (also known as type approval) involves the rigorous testing of instruments at the design stage, assessing conformity with regulatory requirements. NMO also conducts audits of manufacturers’ Quality Management Systems, which enables businesses to place instruments on to the market. Our certification services support UK and international businesses by supporting manufacturers in meeting the relevant requirements, providing confidence to invest in new product designs. Last year we certified 600 different types of equipment and conducted quality system audits with 150 customers and were the second highest issuing authority for OIML certificates globally. We also tested over 4,000 taximeters from black cabs to verify that they were displaying the correct fares, in accordance with the tariff structure agreed by Transport for London.

Supporting business through technical services

NMO has been supporting an international supplier of industrial weighing systems, including weighbridges and vehicle weighing scales, floor scales, weight indicators, checkweighers and counting scales. Over the past year, NMO have certified 11 types of weighing equipment, allowing them to place their products on the market. This work not only ensured that the manufacturer met the relevant requirements but also provided confidence and protection to vendors and consumers. NMO has supported the customer for more than ten years and the customer said:

“NMO had excellent technical knowledge and quality delivered by NMO staff.”
Non-automatic weighing instruments in supermarkets

Local authorities are responsible for enforcement of weights and measures legislation and we provide support as the national regulator. This year we coordinated a local authority project to check the conformity of non-automatic weighing instruments in supermarkets, in cooperation with the Legal Metrology Expert Panel. 78 local authorities participated, visiting a total of 590 premises of major supermarkets. Officers tested a total of 9,101 weighing instruments and found just 0.5% (47 instruments) were inaccurate to the detriment of the consumer. A further 645 instruments were inaccurate to the detriment of the business. Other maintenance and calibration issues were also found, and trading standards officers acted to require businesses to correct issues with 1,520 weighing instruments. Trading standards officers worked closely with the supermarkets’ primary authorities to share results and the supermarkets have taken action in response to these findings, including improving staff training and updating arrangements for instrument maintenance and verification.
We are putting in place an infrastructure that equips the UK for future challenges.

The right structures, policies and capability allow us to deliver our remit to the high standards required – and enable us to respond to the changing environment in which we operate. We have been supporting the regulatory system by providing training and technical advice for frontline local authority regulators and setting up a national incident management unit to coordinate major incidents. We are building digital tools to communicate more effectively between regulators and with consumers, and are exploring ways to build national product testing capability. Our policy teams are building the regulatory environment for now and the future, preparing for EU exit and tackling domestic priorities. We are building national and international partnerships, learning from international best practice.

Capability and Coordination

Frontline training – provided free training for trading standards officers across 190 local authorities – building capability to protect consumers and support business compliance.

We have established a Trading Standards Coordination Unit as part of our national regulator responsibilities for product safety and legal metrology. The unit provides frontline enforcement officers with access to technical and scientific advice and a professional training and development programme on product safety and metrology. We have prioritised engagement this year and the team visited every region in the UK to listen to feedback from Heads of Service and frontline officers on the challenges for product safety enforcement across the UK. We used this to inform our training and testing programmes.

We funded the Chartered Trading Standards Institute to use their expertise and networks to assess the needs of trading standards officers and develop training materials. The training programme launched last September and is designed to equip local authority practitioners with the knowledge and skills to enforce effectively and build consumer confidence in today’s challenging and evolving marketplace. In addition, we continued our provision of training in technical weights and measures topics. Over the year representatives from 190 local authorities attended the training, amounting to 1,059 officer training days on product safety and 260 officer training days on legal metrology.

We have also provided trading standards officers with free access to technical British Standards, equipping them to identify issues and support compliance. 850 frontline officers have registered for this service so far and 390 different standards have been accessed.

We have supported the rollout of the Regulatory Compliance Officer Apprenticeship scheme, providing insights on effective regulatory delivery to drive quality of the apprenticeship programme, and taking on 10 apprentices ourselves. There are now four training providers supporting dozens of employers and hundreds of regulatory apprentices. The apprenticeship, which is focussed on transferrable core regulatory skills, is an important step forward in making sure that the regulatory officers of the future have the right knowledge, skills and behaviours to perform their roles.
Policy and Regulatory Framework

The regulatory framework must be designed on policies that can be implemented in practice, drawing on a wider range of evidence, views and expertise. We have built the capacity of our policy briefing unit to ensure we can focus on Ministerial priorities, scanning the horizon for threats and opportunities ahead.

Domestic policy issues

We have listened to concerns raised through petitions and debates around the impacts of fireworks within communities and are developing a comprehensive evidence base so Ministers can consider the issues and the action needed. A key issue is that of noise and disturbance, but we are also looking at data across all issues raised including the environment and effect on animals. We are working with a range of stakeholders including the RSPCA and the fireworks industry.

We have been working with stakeholders in relation to a new approach to updating furniture fire safety regulations which will further enhance safety provisions, enable innovation and reduce the use of chemical flame retardants. We have published the Government’s response to the consultation on this topic and over the next year we will be working with stakeholders to develop an approach based on a set of essential safety requirements, underpinned by testing against standards.

We have strengthened the ability of OPSS to lead the response to national product safety incidents and ensure consistency across the product safety system through the Consumer Rights Act 2015 (Enforcement) (Amendment) Order 2019 (SI 2019/1074). It enables the Secretary of State, and OPSS on their behalf, to investigate potential safety issues related to consumer products regulated by the General Product Safety Regulations. In addition, it enables enforcement authorities in the UK, including local authority trading standards, district councils in Northern Ireland and the Secretary of State, to use those same investigatory powers to investigate claims about gas appliances and personal protective equipment.

Preparing for EU Exit

The majority of product safety and standards regulation derives from the EU, and this year we have been working to ensure that the regulatory framework for product safety, legal metrology, standards and accreditation will remain robust when the UK leaves the EU. A Statutory Instrument was laid in February, which made changes to 38 product safety and metrology laws to ensure that technical requirements for compliance and enforcement remain operable. We engaged with 100 key stakeholders, including inviting them to a reading room so they could review the draft legislation before it was debated in Parliament, allowing them to offer insights on the drafting and raise any concerns with the approach.

We have developed guidance for businesses to ensure that there is clarity about the product regulation regimes we are responsible for if the UK leaves the EU without a withdrawal agreement and developed digital solutions to replace the EU product safety alerts and cosmetics notification portal. We have also worked closely with the Department for International Trade to support negotiations on agreeing continuity for trade agreements as we leave the EU and future trade agreements, retaining protections and ensuring trade in products is fair.

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EU policy

Particular focus this year has been the new EU Regulation on Compliance and Enforcement. This will replace the market surveillance provisions in the Regulation for Accreditation and Market Surveillance and is designed to reduce the number of unsafe and non-compliant products on the European market. During the development of the Regulation, OPSS worked with other EU Member States to make the Regulation proportionate, effective and focused on improving consumer safety without creating unnecessary burdens for business.

Hallmarking policy

OPSS is responsible for hallmarking policy and sponsors the British Hallmarking Council (BHC), a self-funded, non-departmental public body responsible for supervising the activities of the UK Assay Offices, providing confidence in the market for precious metals. This year we have continued to represent UK interests in the International Hallmarking Convention and recruited three new members to the BHC. For more information on the work of the BHC see their annual report.

Product Testing Capability

We are building our product testing facilities in our Teddington laboratory and liaising with other laboratories, including local authority laboratories and other government laboratories, to assess gaps in the testing market. This year we have begun widening our capability to conduct product safety sample testing.

Additional product safety testing capability

- **Chemical hazards:** Screening for hazardous chemicals in toys, electrotechnical goods and cosmetics (including phthalates in plastics and detection of trace elements for RoHS regulations).
- **Mechanical hazards:** Mechanical testing of toys to EN71, 3D printing of products, dimensional measurement including 3D scanning of complex shapes, coating thickness and wall thickness measurement.
- **Electrical hazards:** Electrical safety testing, insulation testing, power efficiency measurement, effect of power surges and dips.
- **Incident investigation:** Airflow measurement, video endoscopy, data logging, temperature sensors and calibration, thermal imaging and sound pressure.
- **Non-ionizing radiation hazards:** Compliance with magnetic field limits, microwave oven leakage, laser safety hazards, efficiency of luminaries, blue light hazard, UV hazards from products.
- **Flammability hazards:** Flammability of materials used in appliances, calorific value of materials used in products, combustion temperature.
Incident Management

Our national incident management team is now in place and operational. Our incident management plan was published in August 2018, this included guidance and protocols for dealing with incidents and how we work with trading standards. We have been engaging with a number of trading standards authorities to ensure that our escalation routes and command and control processes work effectively. We have also started to build our operational partner network, including with Cabinet Office Civil Contingencies Secretariat and Home Office. We are working with London Fire Brigade to look at how we can embed operational processes and planning exercises with partners to test our protocols. Our internal case and incident management system is working well, and 350 enquiries and cases were managed through this internal system since it became operational in September 2018.

Digital Services

Information sharing – rollout of product safety database – enabling regulators to share information about product risks and raise safety alerts.

Building a product safety database to enable trading standards and other UK product regulators to store, analyse and share data on product risks and a system to replace the EU alerts on dangerous products has been a priority for us this year. We have worked closely with trading standards and other market surveillance authorities, ensuring the system will meet their needs. We have developed systems which replace the essential functionality of EU databases (RAPEX, ICSMS, Cosmetics Portal, NANDO).

Over 2019 we will expand the product safety database to create a central hub for consumers to access product safety information and alerts. We are conducting user research building on our consumer behavioural insight work to ensure we meet consumer needs. We expect to launch a first phase by March 2020. Whilst this is under development consumers can use https://productrecall.campaign.gov.uk/.

Collaboration and Networks

Collaborating with UK regulators

We have established a new Market Surveillance Network, providing a forum for strategic cooperation between all the UK’s product regulators, supporting government policy teams and local authorities. The Network will ensure that the UK is in a good position post EU Exit in terms of our national coordination. We have begun developing new guidance materials for product compliance assessments and establishing new data sharing arrangements to enable targeted import interventions. We have published the UK’s market surveillance plan, which identifies the regulators involved and their role in market surveillance.¹²

We work in partnership with individual UK regulators where we are dealing with the same business or businesses in relation to related matters and participate in the Government National Investigators Group (GNIG) which brings together a wide range of regulators.

International networks

Internationally, we are part of the Organisation for Economic Co-operation Development (OECD) working party on consumer product safety and are contributing to awareness campaigns, data collection and research into key topics such as behavioural insights. We actively promoted the OECD’s 2018 ‘consumer week’ including running a UK consumer awareness campaign for safety issues relating to online purchases. We are strengthening our relationships with overseas product safety regulators, including sharing practice with authorities in USA, Canada and Australia and are active in international product safety networks including the UN consumer product safety working group.

We have been working in collaboration with the Foreign and Commonwealth Office and Department for International Development to promote good regulatory enforcement and delivery practices, supporting wider Government objectives to improve the business climate, promote competitiveness and reduce poverty in UK government priority countries. Over the last year we have begun to deliver long term technical assistance programmes in Indonesia, Vietnam, the Philippines and India aimed at reducing the burdens of regulation and opening markets to UK business. We also provide technical support on legal metrology to overseas governments, supporting efforts to strengthen national quality infrastructures with the long-term objective of improving trading environments for UK businesses. Last year we trained over 60 delegates from Asia, Africa, Middle East and Europe in legal metrology.

Global expertise – delivered inspection reform conference which attracted delegates from 60 countries – sharing best practice to drive continuous improvement.

In October 2018 we staged the Inspection Reform Conference, with 300 delegates from 60 countries attending for four days of workshops and seminars on the importance of regulatory delivery to encourage and enable trade and study visits to 37 businesses to see regulators in practice.
Governance and Accountability
Governance and Accountability

Our structure: Leadership Team and Functional Teams

Chief Executive
Graham Russell

Policy and Engagement Sarah Smith
- Policy and Briefing
- Business Accountability
- Stakeholder Engagement
- Trading Standards Coordination
- Standards and Accreditation
- Business Engagement

Regulatory Capability (UK, EU, Rest of the World) Rebecca Bradfield
- Legislation
- Future Economic Partnership
- Trade
- International
- Regulatory Policy

Strategy and Resourcing Kate Alderney
- Connections
- Digital and Technology
- Organisational Policy
- Assurance
- Strategy
- People and Management Support
- Resource Management
- Processing
- Programme Management Office

Delivery Duncan Johnson
- Primary Authority and Local Regulatory Delivery
- Enforcement: Controls
- Enforcement: Supply Chain Assurance
- Enforcement: Products
- Enforcement: Energy Supply
- Regulatory Practice
- Legal Process

Science, Testing, Risk, and Resilience Will Creswell
- Risk
- Scientific and Technical Advice
- Technical Services
- Consumer and Business Insights
- Incident Management
- Testing Strategy

Operational Borders Amy Newland
- Borders Policy
- Borders Operations
- Product Regulation Coordination
- Analysis
- Intelligence
People

We currently have 259 people working for us across our three main locations, and we anticipate a headcount of around 355 by the end of 2019/20.

### Anticipated headcount by location – end 2019/20

- **London**: 31%
- **Birmingham**: 40%
- **Teddington**: 24%
- **Other**: 5%

### Anticipated headcount by Deputy Director area – end 2019/20

- **Science, testing, risk and resilience**: 20%
- **Operational borders**: 26%
- **Strategy and resourcing**: 29%
- **Delivery**: 10%
- **Regulatory Capability (UK, EU, Rest of the World)**: 10%
- **Policy and engagement**: 10%
- **Other**: 5%

Funding

Our total operating budget for 2019/20 is £34.9m. We are funded through BEIS central funding, including £12m additional funding allocated for product safety. We also recover costs from other parts of government and industry, and charge fees on some technical services. The majority of our funding is programme funding – which funds front line delivery.

### Total operating budget 2019/20 of £34.9m

- **Policy and Regulatory Delivery Reform**: £5.4m
- **Product Safety**: £14.8m
- **EU Exit**: £4.9m
- **Enforcement and Utilities**: £5.2m
- **Standards and Accreditation**: £3.6m
- **International and Technical Services**: £1m

13 Estimate with volatility around commercial and cost recovery income
Advisory Group

External challenge helps bring a fresh perspective to an organisation, helps expose group thinking and brings fresh ideas to dealing with challenges. As a regulator, external challenge also helps ensure we remain independent, objective and consistent and keep a balanced outlook on consumer protection and business support.

This year we established an Advisory Group of seven external, non-executive members to provide us with that challenge. The group brings together experience from similar delivery organisations, as well as from non-governmental bodies to provide scrutiny of our work. The members are: Jason Feeney, former Chief Executive of the Food Standards Agency; Neil Gibbins, past President of the Institution of Fire Engineers; Gareth Hills, Director at the Home Office; Cathryn Ross, Group Director of Regulatory Affairs at BT Group; Rachel Sandby-Thomas, Registrar at Warwick University and Errol Taylor, Chief Executive of the Royal Society for the Prevention of Accidents. The Group is not involved in specific executive decisions, such as the handling of individual regulatory incidents. These are the responsibility of the Chief Executive, leadership team and employees of OPSS. The Group examines our approach to our work with members acting as critical friends to question how we operate and to explore the scope for us to change and improve.