

What is evidence?

It is very useful when the Groceries Code Adjudicator (GCA) is approached by suppliers, trade associations and others with information about retailers' compliance with the Groceries Supply Code of Practice (the Code), as this helps the GCA understand current groceries supply market practices.

When reviewing this information to decide how best to act upon it, the type of information presented and its evidential value becomes critical. Documentary evidence is worth much more, in evidential terms, than reported conversations, recollections of events some time past, opinions or beliefs. The more specific information is about the behaviour which occurred and how it relates to the Code, the more useful it is to the GCA.

The test for launching any investigation is a reasonable suspicion of a breach of the Code. The GCA has also published the principles it will apply in deciding whether or not any particular suspected breach merits an investigation (the prioritisation principles contained in the GCA's investigation and enforcement guidance).

Whilst it is impossible to list everything that may constitute evidence, the following types of evidence, records and information are of most help to the GCA:

Details of actual examples (including the names of the retailer(s) and supplier involved) of where a specific section of the Code has reportedly been breached, supported by:

<p>Contractual documents, e.g.:</p> <ul style="list-style-type: none"> • Contracts (which might be called a Supply Agreement) • Any additional terms and conditions (e.g. handbooks, key performance indicators) • Joint business plans, depending on how they are used • Forecasts, agreements relating to promotions and other mid-term contractual documents • Orders and amendments to them • Correspondence (detailing re-negotiations, renewals etc) 	<p>Contemporaneous notes of conversations held at meetings or in telephone calls, including:</p> <ul style="list-style-type: none"> • Who was there • When they took place • What was discussed • The outcome / next steps
	<p>Financial documents, e.g.:</p> <ul style="list-style-type: none"> • Invoices • Credit/debit notes • Joint business plans, depending on how they are used
	<p>Copies of letters, faxes, emails (whole chains) and even, where relevant, text messages, between the retailer and supplier evidencing how the contractual relationship worked in practice</p>

The GCA has a legal duty to safeguard the anonymity of those who provide information about a potential breach of the Code.

If you are uncertain of what evidence to submit alongside your example(s), please contact the GCA:

Website: www.gov.uk/gca Email: Enquiries@gca.gsi.gov.uk Telephone: 0203 738 6537