



Office for Product
Safety & Standards

Office for Product Safety and Standards Delivery Report

2021/22



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Foreword

In 2018, the Government took decisive action to strengthen product regulation in the UK by setting up the Office for Product Safety and Standards (OPSS) as a new national regulator. OPSS is responsible for policy and delivery of regulations across the product life cycle. This is a wide and important set of responsibilities.

Product regulation exists to keep people and places safe and protect responsible businesses from competitors that do not meet reasonable minimum standards. Proportionate product regulation supports a strong economy, facilitates international trade in products and is an essential part of the transition to net zero.

For businesses, particularly small businesses, seizing the opportunity to make product regulation work better is crucial. In this last period, the Government has launched an ambitious review of the product safety framework, developing proposals for radical post EU Exit reform to ensure the system works for the UK as an independent trading nation and a science super-power, whilst keeping people and places safe.

The Government has already taken advantage of the opportunities arising from leaving the EU, acting to build upon and strengthen existing safety requirements, for example, adapting fridge freezer standards to address flammability concerns – whilst improving the environment for business

by publishing guidance on product recalls and preparing for the introduction of e-labelling.



Protecting citizens remains at the forefront of OPSS' activity, from issuing safety alerts for small magnets, taking robust enforcement on dangerous angle grinder attachments, to addressing the prevalence of unsafe products sold through online platforms. In 2021, as part of government action to overhaul building safety, OPSS was established as the new national regulator for construction products, and promptly took direct regulatory action by prohibiting the supply of non-compliant insulation boards.

This 2021/22 delivery report for OPSS shows the difference effective product regulation is making to the everyday lives of UK citizens and business, protecting people and places and supporting sustainable growth.

A handwritten signature in black ink, appearing to read 'Kevin'.

Kevin Hollinrake MP
Parliamentary Under Secretary of State,
Department for Business and Trade

Introduction to the Office for Product Safety and Standards

The Office for Product Safety and Standards (OPSS) was established in 2018 to deliver consumer protection and support business confidence, productivity and growth. We work with local, national and international regulators, with consumer representatives and with businesses to protect people and places and to support compliance. We are committed to transparency in our regulatory approach, and this report sets out our delivery over the period April 2021 to March 2022.

Our remit

OPSS is the UK's product regulator, responsible for the regulation of most consumer goods, excluding food, medicines and vehicles, and for construction products. We hold policy responsibility for product safety, legal metrology (weights and measures), standards and accreditation, hallmarking, and Primary Authority.

We enforce regulations across the product lifecycle from design, accreditation, and manufacture, through to supply, end use, and safe disposal, while providing scientific and technical capability. We work with local authorities, other market surveillance authorities and border control authorities to keep consumers safe and support business compliance.

Our Purpose

Our primary purpose is to protect people and places from product-related harm, ensuring consumers and businesses can buy and sell products with confidence.

We act to keep citizens safe by keeping products safe. We seek to make sure consumers receive fair measures and get what they pay for. We work to limit the negative effects that products, their supply chains, and their disposal can have on our environment. And we facilitate products and markets that support clean growth and the transition to net zero.

Delivering these protections in a fair and transparent way helps maintain consumer confidence in markets and supports innovation and sustainable business growth. To achieve this, we use science, evidence, and data to shape our interventions. We act proportionately, guided by the risk of harm, and seek to minimise complexity and cost for businesses and consumers.

Our main responsibilities include:

- OPSS works across government, with other market surveillance authorities, with local authorities, and with border control authorities. We collaborate with consumer and industry bodies so we can better understand those we are here to protect and those we are here to regulate. Collaboration helps us inform our policies and practices, and provide accountability to those we serve.
- being the national regulator for product safety, leading on all aspects from policy to delivery – we have responsibility for the policy framework, national scientific, technical, and incident management capability, and our enforcement covers national, novel, or contentious issues
- being the national regulator for legal metrology – we are responsible for policy and implementation, and provision of national capacity to ensure weighing and measuring instruments are accurate, while guiding and supporting the legal metrology work of local authorities
- being the national regulator for construction products, accountable to the Department for Levelling Up, Housing and Communities (DLUHC), as one of the reforms following from the Hackitt Review
- sponsoring the British Hallmarking Council – delivering confidence in the market for precious metals
- operating Primary Authority – enabling businesses to easily access assured advice from specific local authorities, simplifying regulation, and avoiding duplication
- leading government policy on market surveillance and standards and accreditation policy, 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
- ensuring the ongoing delivery of regulatory decisions repatriated from the European Union within our areas of policy responsibility including approvals, designations and scientific advice



- acting as the government's enforcement authority for standards and measurement of energy supplied, along with energy efficiency and environmental standards for product design and performance. We also enforce due diligence in the trade of timber, to protect biodiversity and reduce illegal deforestation
- working with the Foreign Commonwealth and Development Office in key partner countries to support the development of regulatory environments that provide opportunities for UK businesses to trade around the world
- advising UK government colleagues on product regulation matters relating to international trading arrangements and contributing to bilateral discussions to support international trade

Our strategy defines the outcomes we seek on behalf of citizens, and objectives that create the desired outcomes. The outcomes we seek and examples of those feature in the following pages, and the report then describes delivery against our objectives.

Outcomes



This report focuses on what we did as a regulator during 2021/22, the interventions and actions we have taken, and the organisational changes we made to deliver our objectives. These interventions, actions and changes were a means to an end. We recognise that most readers will be less concerned by the mechanics of regulation, and more interested in what regulation achieves and the outcomes of our work. The outcomes we seek to deliver for people, business, and the environment are that:

- people are protected from product related harm and can buy products with confidence
- businesses comply with their legal obligations and responsible businesses can operate with confidence

- the environment is protected from product-related harm and product regulation supports the transition to net zero

Although evaluating the outcomes of our activity is a challenge due to the many external factors involved, we will continue to improve our monitoring and reporting on the impact of what we do. The next few pages give some examples of the outcomes we achieved in the last year, before moving on to explain our objectives and principles, and the actions we have taken to meet those objectives.



People are protected from product related harm

Protecting citizens through product regulation is primarily about ensuring businesses are meeting their obligations. But there are occasions when it is necessary to promote safety-critical messages to the public.

We have dealt with **386** allegations or enquiries relating to product safety issues, with **98.4%** fully resolved and closed. We have also published unsafe product alerts for **500** products, identified and taken action on **395** safety issues from overseas markets that affect UK consumers, and we have led the national incident response to four major-incidents.

We have continued to provide oversight and scrutiny of two national recalls for Whirlpool products, following the intention to serve a recall notice in 2019. The recall for washing machines resulted in **277,715** customers coming forward since the recall was announced. Likewise, **140,151** customers came forward for a recall on tumble dryers, with Whirlpool's dedicated website seeing over **1.4 million** visits.



84,537
consumers had
their tumble dryer
machines replaced
free of charge.¹



209,956
cases of the affected
washing machines
have been fully
resolved.²

1 Office for Product Safety and Standards, 'Whirlpool tumble dryer recall update', 17 November 2021, available at: <https://www.gov.uk/government/news/update-on-whirlpool-tumble-dryer-recall-progress>

2 Department for Business, Energy and Industrial Strategy and Office for Product Safety and Standards, 'Whirlpool washing machine recall update', 17 November 2021, available at: <https://www.gov.uk/government/news/whirlpool-washing-machine-recall-update>

Consumers can buy and use products with confidence

The growth in online shopping has steadily increased over the last 5 years with a long-running trend that was heightened by the COVID-19 pandemic and associated lockdowns. Online channels have created new opportunities for consumers, with the ability for people to buy direct from suppliers around the world. This presents potential risks and challenges around informed choices, effective enforcement, confidence in compliance, and safety outcomes.

With only **45%** of consumers believing online platforms are trustworthy, we continue to engage with platforms to build engagement and test purchasing programmes to identify and remove non-compliant items from sale. A targeted program of intelligence-led test purchasing resulted in **1,544** different product types undergoing visual compliance assessments, with **1,189** being removed from sale due to non-compliance.



76%

of consumers agree that products sold in the UK are generally safe as there are regulations in place to ensure this.³



58%

feel that the UK's system for regulating the safety of products ensures that products they buy are safe.

³ Office for Product Safety and Standards and Department for Business, Energy and Industrial Strategy, 'OPSS product safety and consumers: Wave 1', 31 May 2022, available at: <https://www.gov.uk/government/publications/opss-product-safety-and-consumers-wave-1>

Businesses comply with their legal obligations

We work closely with businesses to ensure they meet their obligations to bring safe and compliant products to market, and to ensure they deal with any incidents that arise with products they have already placed on the market by setting clear expectations, supporting compliance, and dealing with non-compliance.

OPSS funded dedicated local authority teams to undertake product safety checks at the border. The teams inspected goods and worked with businesses as well as HMRC to help prevent non-compliant/unsafe goods entering the UK.

We also work closely with businesses to ensure they understand their responsibility to ensure safe products enter the market. **70%** of businesses say they face no barriers in ensuring compliance.⁴



45%

of checks made by OPSS-funded local authority teams at the border found non-compliant and unsafe products. This accounted for 2.5 million items being refused entry to the UK market.



89%

of businesses say they have all the support and guidance they need to ensure that products they manufacture, sell and distribute are safe.

⁴ Office for Product Safety and Standards and Department for Business, Energy and Industrial Strategy, 'Product safety and industry', 31 May 2022, available at: <https://www.gov.uk/government/publications/product-safety-and-industry>

Responsible businesses can operate with confidence

The good provision of information and guidance on how to comply with product safety rules has been key in preventing unsafe products reaching the market. This can give businesses confidence that they are acting responsibly and supplying only safe goods to the market.

OPSS provided information and guidance to businesses regarding their product safety obligations on GOV.UK. An example is the publication of the new PAS7050 which helps businesses meet their obligations under product safety laws which require that new and used consumer products placed on the market are safe. OPSS conducted business webinars to support business' understanding of PAS, with 138 attendees from 89 different companies.

This follows PAS 7100 published in 2018, the first government-backed Code of Practice (PAS 7100) for product safety recall in the UK.



91%
of businesses who used PAS 7100 found it useful.⁵



5 Office for Product Safety and Standards and Department for Business, Energy and Industrial Strategy, 'Product safety and industry', 31 May 2022, available at: <https://www.gov.uk/government/publications/product-safety-and-industry>

Product regulation supports the transition to net zero

The UK is committed to clean growth and net zero carbon emissions by **2050**. This will impact on the types of products being developed, how they are produced, used, reused, recycled, and disposed of – and how those products are regulated.

OPSS commissioned Electrical Safety First to explore second-hand ‘bricks and mortar’ sales of electrical products across eight different locations in the UK including charity shops, retailers, locally advertised private sales and car boot sales. From visual assessment, the study found products that were in a range of condition, including potentially unsafe products.⁶

When we asked consumers where they would likely purchase second hand rather than new, the majority reported that they would be likely to shop for second hand goods at charity shops, or on an online platform.⁷

Around half of the retailers visited reported undertaking safety checks before placing items on sale, and there was generally a low awareness of the need to check whether products had been subject to a recall. We used these findings in developing training for local authorities to ensure retailers understood their responsibilities when selling second hand goods.⁸



79%
of consumers looking for second hand goods would be likely to purchase from charity shops.⁹



Around half of retailers reported undertaking safety checks.¹⁰



6,8,10 Office for Product Safety and Standards, ‘Study into second-hand sales of electrical products’, 25 May 2022, available at: <https://www.gov.uk/government/publications/study-into-second-hand-sales-of-electrical-products>

7,9 Office for Product Safety and Standards and Department for Business, Energy and Industrial Strategy, ‘OPSS product safety and consumers: Wave 1’, 31 May 2022, available at: <https://www.gov.uk/government/publications/opss-product-safety-and-consumers-wave-1>

The environment is protected from product related harm

OPSS enforces a range of regulations aimed at addressing the environmental challenges associated with the disposal of electrical and electronic equipment, batteries, cars and small vans at the end of their lives. These regulations include provisions to restrict the use of certain hazardous chemicals in specified products, and provisions to encourage recycling of these products to reduce the quantity that end up in landfill.

In **2021/22** we led the Battery Takeback Online Project which was developed to ensure that online retailers were aware of their battery takeback obligations and were compliant with those obligations. Following an investigation, OPSS identified **82** online retailers were identified who were not providing the correct information to their consumers on battery takeback. All **82** retailers were supported to become compliant, thus ensuring that consumers are aware of how they can recycle their batteries.



1,500
non-compliant
lithium-ion cells
removed from the
market following
an investigation
into mislabelling of
batteries.

Our objectives and principles



Our primary purpose is to protect people and places from product-related harm, ensuring consumers and businesses can buy and sell products with confidence. To support our purpose, we have five core objectives that we report our activity and impact against, which are:

1. to deliver protection through responsive policy and active enforcement
2. to apply policies and practices that reflect the needs of citizens
3. to enable responsible businesses to thrive
4. to co-ordinate local and national regulation
5. to inspire confidence as a trusted regulator

This report highlights key achievements over the 2021/22 financial year, and maps them against these five strategic objectives.

In addition to core objectives, our **guiding principles** underpin our activities and inform how we regulate.

- We put protection first.
- We hold businesses to their responsibilities.
- We support responsible business.
- We join up product regulations.
- We focus on risk and the management of risk.
- We make decisions informed by science and evidence.
- We establish the right systems and relationships.
- We follow the principles of good regulation.
- We act promptly and target the right points for intervention.
- We recognise the different needs of different groups.
- We measure our impact.



Objective 1: delivering protection through responsive policy and active enforcement



Our primary function as a product regulator is protection – protecting the rights and safety of people, the environment, the planet, and the places where we live. This objective encompasses our roles in enforcing regulations and in developing policy for product regulation.

National risk-based prioritisation and incident response

Throughout the year our risk unit assessed products to ensure that regulatory activities were focused on the highest risk products and that any enforcement action was proportionate. We developed tactical and strategic intelligence assessments, highlighting current and emerging issues to help drive OPSS enforcement activity. We shared these with partner agencies and local authority regulators.

We provided support to local authority officers in developing robust product risk assessments in relation to novel or complex issues. A wide range of risk assessments were undertaken including:

- angle grinder chainsaw attachments
- vape batteries
- baby and child products including carriers and feeding products
- sleep masks
- three-in-one stroller-trikes
- bath bombs
- child-appealing scatter cushions
- cricket and motorcycle PPE
- fireplace surrounds
- laser sling-shots
- lead acid batteries
- mermaid tail swimming costumes
- smoke and fire dampers
- stair-gates
- button batteries

During 2021/22, we developed a new national product safety risk assessment methodology to support more effective and proportionate risk assessments by our staff and local authority regulators. This methodology along with supporting tools and guidance will be launched during 2022-23.

OPSS provides national incident response capability on nationally significant, novel, or contentious issues. In 2021/22, we updated our Incident Management Plan to reflect updated working practices and lessons identified during previous incidents. We also co-ordinated activities to deal with safety issues related to incidents on small high powered magnetic products, online platforms, insulation boards, and electrical timer switches.

Online platforms

The prevalence of unsafe and non-compliant products available online was a concern during 2021/22, and remains a current concern. In response, we delivered a comprehensive programme of regulation, surveillance and awareness-raising. Our work focused on high-risk products: those targeted at children, consumers with vulnerabilities, and goods manufactured overseas and sold online via third party sellers. This included purchase and testing of 1,600 products from major online platforms. Where necessary we instigated product recalls, required online platforms to takedown listings, and followed up with proportionate enforcement interventions.

We notified 45 online platforms of our concerns regarding the number of unsafe and non-compliant products on sale by third-party sellers, and the need by platforms to take action. We added over

200 products sold via online platforms to the product recalls and alerts website in 2021/22 and removed them from sale.

To raise awareness of the potential risks, we issued safety messages to encourage consumers to take appropriate care when buying online, including to check if they were buying from a third-party seller with a known address, whether the seller was UK based, and whether there was evidence that the seller had a reputation for supplying safe goods.

OPSS also engaged with senior representatives from major online platforms to emphasise that they must:

- manage their relationships with third party suppliers to ensure they have increased control over supply chains
- ensure products are safe before they are listed by taking greater responsibility for goods sold via their platforms
- provide feedback on surveillance activities and seek assurance on recalls and takedowns

Case study: small high-powered magnetic products

OPSS issued a safety alert in May 2021¹¹ to warn of the risk of serious injury and death from swallowing small high-powered magnets. This followed reports of serious injuries arising from ingestion of magnets, particularly among children and young people, and the growing use of magnets in products such as executive desk toys, fridge magnets, magnetic earrings and tongue piercings, drink charms and bucky balls. The alert reminded businesses that they must identify and remove products containing small magnets from the market if they breach safety requirements. It also urged the public to protect children and vulnerable consumers from the risk of ingestion. Risk assessment guidance was also shared with local authority regulators.¹²

We also conducted market surveillance, purchasing products for inspection and testing against legal limits for the strength of magnets in toys. Based on the test results, we worked alongside local authority regulators to pursue regulatory action against the manufacturers or importers of non-compliant products, and required withdrawal of the products from the market.

We issued advice and notices to businesses regarding safety warnings that should be included with magnetic products, and worked to communicate the risks to consumers through partners and social media campaigns, as discussed later in this report.

11 Office for Product Safety and Standards, 'Product Safety Alert: Small, High-Powered Magnetic Products (PSA1)', 19 May 2021, available at: <https://www.gov.uk/product-safety-alerts-reports-recalls/product-safety-alert-small-high-powered-magnetic-products-psa1>

12 Office for Product Safety and Standards, 'Risk assessing products that contain small, high-powered magnets', October 2021, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1027913/Guidance-risk-assessment-of-small-high-powered-magnets.pdf

Product safety at the border

In 2021/22 OPSS continued to collaborate and share intelligence across government to support HMRC, Border Force and local regulators to prevent unsafe goods from entering the UK.

Our core principles align to the 2025 UK Border Strategy. They are to:

- **facilitate international trade** for compliant goods
- **deter** prospective importers from bringing in unsafe or non-compliant products
- **detect** wrongdoers and provide data and intelligence to the rest of the product safety system
- **disrupt** the worst offending businesses by preventing their products from being distributed on the UK market

Sustainable change in the behaviour of businesses that import unsafe goods is our goal. We began to broaden the scope of our delivery programme so that we are not just working at the point of import but are having an impact across the supply chain. This ensures that by using a flexible approach the principles of deter, detect and disrupt are applied before, during and after goods land in the UK.

OPSS developed and assessed intelligence, risk and import data to detect high-risk consignments and made referrals to OPSS-funded and dedicated local authority teams. These teams inspected goods and worked with businesses and HMRC to prevent non-compliant goods from entering the UK. Where appropriate, OPSS or partner bodies followed up to ensure other unsafe goods were not being placed on the market or will be imported

in the future. Of the intelligence-led consignment checks made by these teams, 45% found unsafe and non-compliant products, and checks directly resulted in several million items being refused entry to the UK market.

Examples of activity in 2021/22 included a local authority seizing thousands of non-compliant or unsafe telescopic ladders, step ladders and cordless drills following intelligence-led targeting. There were multiple interventions by local authorities to detain consignments of unsafe toys, while identifying choking hazards for small children or those containing harmful chemicals. In instances where mislabelled products were found, OPSS and local authorities worked with the importer to find effective relabelling solutions for future imports.

Construction products

We continued to develop our capability to effectively regulate construction products. Additionally, we completed a range of market assessment and risk analysis research projects to inform our assessment of product and supply chain risks. We took regulatory action against a major construction product manufacturer, Kingspan Insulation Ltd (Kingspan), which resulted in the prohibition of supply and recall of non-compliant products. Our development and capability-building work is explained in the relevant later sections of this report.

Case study: non-compliant Insulation

OPSS were notified that tests had shown batches of Kingspan's Kooltherm K15 insulation board did not meet the classification for fire safety that was claimed for the product on its declaration of performance. Following testing commissioned by OPSS, Kingspan were found to be in breach of construction product regulations for failing to supply the product with an accurate declaration of performance. The product is widely used in the construction sector, typically as part of external wall insulation.

In the first enforcement action taken by OPSS with its new remit as national regulator for construction products, OPSS served prohibition notices on Kingspan. This prohibited the UK supply of certain Kooltherm K15 insulation board products. The Notices required Kingspan to cease supply of the affected products. They also required that customers and those in the supply chain were contacted to ensure the recall of affected products, or take recommended actions where the product was incorporated into buildings in a permanent manner.

We worked with Kingspan and other industry stakeholders to publicise the enforcement action, and to monitor the recall of the affected product. Based on our scrutiny of evidence supplied by Kingspan, we were satisfied that the company complied with the notices, and committed to destroy all products concerned. Kingspan issued a declaration of performance for a new K15 product in March 2022, enabling the supply and use of a compliant product.

Chemical risk assessment

The OPSS Scientific Advisory Group on Chemical Safety of Non-Food and Non-Medicinal Consumer Products (SAG-CS) was established in 2021, chaired by Professor Shirley Price. SAG-CS provides independent chemical risk assessment of substances in certain consumer products.

Over the past year, the group has advised on the health effects posed by certain chemicals found in some toys and cosmetics. This advice has informed ministerial decisions on regulatory limits

in relevant legislation. This resulted in the prohibition of deoxyarbutin in cosmetics, a reduction in permitted migration limits for aluminium for toys, and the introduction of specific limits for aniline and formaldehyde in certain toys. All of the advice from SAG-CS has been published.¹³

Supporting Net Zero

OPSS are responsible for enforcing multiple product regulations designed to support the transition to net zero and the aims of the Environment Act 2021. Over 2021/22, we continued to undertake

¹³ GOV.UK, 'Scientific Advisory Group on Chemical Safety in Consumer Products', available at: <https://www.gov.uk/government/groups/scientific-advisory-group-on-chemical-safety-in-consumer-products#publications>

targeted enforcement activities including raising awareness of legal obligations, providing information and guidance, checking compliance and dealing with non-compliance.

Our aims for this work included reducing waste, helping transition to a more circular economy, and incentivising people to repair and recycle more. The in-house expertise of our scientists and engineers helps us better understand how we can prevent harms and reduce or mitigate them. Cross-government collaboration on research helps inform policy development and the enforcement of environmental regulations.

We supported the development and availability of standards and guidance to support businesses in net zero initiatives. This support included funding free downloads of the BSI Publicly Available Specifications (PAS) on 'Energy Smart Appliances' (PAS 1878:2021 and PAS 1879:2021) and of BS ISO 50005 on 'Energy Management Systems'. We also funded development of a new PAS: 'Requirements for safe domestic electricity storage'.

Alternative fuels infrastructure and labelling

OPSS enforces alternative fuel infrastructure regulations on behalf of The Office for Zero Emission Vehicles. This work helps make the uptake of alternative fuel vehicles easy, thereby supporting the government's ambition of ending the sale of new petrol and diesel cars by 2030. It also helps achieve net zero carbon emissions by 2050, while setting and maintaining minimum technical standards on alternative fuels infrastructure.

We engaged with operators in the electric vehicle sector to increase understanding of their obligations under the Electric Vehicles (Smart Charge Points) Regulations 2021. These regulations are to help the transition to electric vehicles while specifying minimum standards on accessibility, security and information for consumers. Compliance in the charge point sector remained high with 98.5% estimated to be compliant. Using this data and working on a risk basis, we assessed charge point locations in England and Wales, with 62 charge points inspected in 2021/22.

OPSS also enforces the regulations for refuelling points and motor vehicles in relation to labelling specifications. During 2021/22, we produced information documents in both English and Welsh for infrastructure operators relating to these regulations. We contacted 32 multi-site vehicle dealership firms to raise awareness and provide advice on how to ensure and evidence compliance. We also conducted on-site inspections on the labelling of fuel dispenser units and nozzles of fuel pumps following the national rollout of E10 fuel, including 24 forecourts belonging to 16 branded fuel retailers. We found 79% compliance. Across both of these regimes, we engaged with operators found to be non-compliant to develop strategies to bring them into conformity and agreed business improvement plans.

Timber

OPSS is responsible for implementing and enforcing the UK Timber Regulations and Forest Law Enforcement, Governance and Trade Regulations (FLEGT), to ensure harvesting practices are legal, encourage sustainable harvesting practices and

support global forest governance. Businesses trading in timber and timber products (including fuel wood) must take steps to ensure that they originate from legal sources.

We verify licences, undertake direct enforcement, and seek to raise awareness. During 2021/22 we verified 5,934 FLEGT licences, with 97.7% verified within our performance standards. We assessed compliance of due diligence systems in 31 businesses, issued five notices of remedial action, and resolved 209 timber and FLEGT related enquiries. We also undertook one prosecution of a company who were found to be non-compliant despite a previous notice of remedial action.

In 2021/22, we identified fuelwood as a sector where checks on compliance should be focussed, and 50 businesses were identified as having made an import of fuelwood in scope of the relevant regulation. We assessed due diligence systems for 24 of these operators. All non-compliant operators were provided with support and guidance to help them achieve compliance for future imports.

Reducing environmental pollution from products

OPSS enforces a range of regulations aimed at addressing the environmental challenges associated with the disposal of electrical and electronic equipment, batteries, cars and small vans at the end of their lives.¹⁴ These regulations include provisions to restrict the use of certain hazardous chemicals in specified products,

and provisions to encourage recycling of these products to reduce the quantity that end up in landfill.

In 2021/22 we conducted checks on compliance with these regulations.¹⁵ This included checking online listings for compliance, purchasing products to conduct visual inspections, conducting testing and discussing compliance approaches with businesses, and dealing with notifications of non-compliance. The matters included lithium-ion battery capacity labelling, battery removability in products, retailers' compliance with battery and WEEE takeback obligations, and environmentally hazardous substances in products including electrical toys and printer cartridges.

Access and benefit sharing

OPSS enforces the UK's Access and Benefit Sharing (ABS) regulations that meet the UK's commitments under the Nagoya Protocol. During 2021/22, we focussed on engagement with organisations receiving grant funding and with the pharmaceutical sector. We initiated engagement with 32 organisations, requesting evidence of due diligence to demonstrate compliance with the UK ABS Regulations. Responses were received from all organisations contacted and investigations are ongoing. We have continued to deliver awareness-raising events to improve compliance among organisations that fall within the scope of the UK ABS Regulations. We have conducted four webinars and resolved 50 ABS-related enquiries while providing technical support.

¹⁴ For some of these regulations we share enforcement responsibilities with the Environment Agency and Defra.

¹⁵ See the Hazardous Substances and Waste Annexes for more information.

Metrology testing and calibration services

We delivered testing and calibration services on 3,877 taximeters, as well as undertaking weights and measures calibrations for 12 local authorities and 25 lottery ball calibrations. We also provided calibration for the annual measurement service for the 'Trial of the Pyx', a judicial ceremony to ensure that newly minted coins from the Royal Mint conform to their required dimensional and fineness specifications.

Electricity and gas metering

OPSS protects consumers by ensuring the accuracy of energy meters. We lead the national in-service testing (IST) scheme, under which energy suppliers are notified of the number and type of meters that need to be submitted to approved IST test stations. OPSS collates the results nationally and assesses performance.

During 2021/22, IST testing was undertaken for 2,082 meters representing an installed population of 2.5 million meters, providing confidence to consumers that they will be accurately billed for gas and electricity supplied. We also undertake the provision of the statutory service for testing gas and electricity meters where the accuracy is disputed by customers. During the year, we appointed examiners to undertake the independent testing of 809 meters, where consumers had concerns about accuracy that could not be resolved with their energy supplier.

We also approve and certify electricity meters in Great Britain. In 2021/22, we worked with energy suppliers to sample and then review the certification of two meter types. Certification is a legal requirement for any meter used for energy supply. Our work led to a five-year extension to the relevant certification periods, meaning that almost 100,000 meters could remain in service, avoiding unnecessary replacements.

Heat networks

A heat network is a system that supplies heating, hot water and/or cooling from a central source to final customers. Heat networks form a small but fast growing part of the UK's heating requirements, with the potential to help reduce carbon emissions through enhanced efficiency or the use of low carbon heat sources.

OPSS delivers the Heat Networks (Metering and Billing) Regulations that require businesses, organisations or individuals who act as heat suppliers to submit a notification including relevant information on the size and nature of the network at least every four years. Where feasible, these regulations require suppliers to also install heat metering devices for customers of those networks to ensure fair and accurate billing. Information on heat metering, or feasibility assessment outcomes must also be included in the notifications. The team have dealt with over 1,000 enquiries in the year.

Objective 2: applying policies and practices that reflect the needs of citizens



OPSS places the needs of consumers at the heart of product regulation – ensuring that the regulations work for them and for their protection. This means listening to people, understanding their needs and responding to them. It also means ensuring that the differing needs of different groups of people are taken into account. This applies to the framing of product regulations and how they are enforced, and to direct public-facing activities, such as safety campaigns.



Product safety and consumers

We are committed to gaining regular insight from consumers on a variety of product safety issues. In January 2022, we held the first meeting of our Consumer Reference Panel which brought consumer bodies together with OPSS. This allows us to gain insight and provide a consumer perspective on our work, and to give stakeholders the opportunity to raise emerging issues and provide challenge.

In addition to the need for regulation to reflect the needs of consumers, it is important that national standards do as well. Standards are primarily business-focused tools that can help make products and services function better and more safely, and can also be used to support innovation in new product areas. To this end, we fund and support BSI's consumer and public interest network, which placed trained consumer representatives on BSI committees, with 151 committees or standards-making groups currently supported by the network.

In 2022, the first wave of our biannual consumer research was published,¹⁶ and some findings from this are shown on the next page:

16 Office for Product Safety and Standards and Department for Business, Energy and Industrial Strategy, 'OPSS product safety and consumers: Wave 1', 31 May 2022, available at: <https://www.gov.uk/government/publications/opss-product-safety-and-consumers-wave-1>

OPSS Public Attitudes Tracker: Wave 1 Key Findings



Perceptions of safety

76% of the UK public think that products sold in the UK are safe as there are regulations in place

Buying products

85% of the public **expect** a product to be safe regardless of price

When buying a product, **9%** consider safety as an important factor.

This rises to:

| | |
|-----------------------------------|--------------------------|
| 33% when purchasing baby products | 18% when purchasing toys |
|-----------------------------------|--------------------------|

Registration rates

| | |
|-------------------------|------------|
| White goods | 60% |
| Electrical appliances | 38% |
| Baby products | 21% |
| Sports & leisure items | 17% |
| Furniture & furnishings | 13% |

Experience of safety issues

8% had a safety issue with a product they purchased in the last 6 months



Product recalls

In the last two years **6%** have seen/ heard about a recall for a product they own

If a product they own is recalled, most of the UK public would want to be told directly

| | |
|--|------------------------------------|
| 61% | 54% |
| want to be contacted by the manufacturer | want to be contacted by the seller |

Historical review of recalls study

Consumer research demonstrates a generally low engagement with product recalls. This is particularly the case when it involves a difficult or time-consuming process, the product has a low perceived risk, and the product is of low value. We commissioned research on possible barriers to action around recalls, used case studies from a range of product sectors, and engaged with business and other stakeholders.

The case studies identified drivers of recall effectiveness (such as collaboration with others, multi-media campaigns, and conducting practice drills) as well as barriers, including uncertainty regarding accountability and correct use of GDPR in a recall situation.

We received positive feedback on the existing PAS 7100:2018, which gives guidance on good practice for product recalls, as well as suggestions to increase their effectiveness. We fed this into the OPSS-sponsored review of PAS 7100, with the outcome that OPSS, BSI, industry and other stakeholders agreed an improved version which was published in March 2022 as PAS7100:2022.

Coordinating national product recalls – Whirlpool

We continued to provide oversight and scrutiny of two national recalls for Whirlpool products through our technical and analytical experts. We required Whirlpool to provide regular data updates to us on campaign progress and detailed data on the quality assurance processes used when carrying out field modifications of affected machines. We provided final updates on recall data in 2021/22.

Safety of second-hand electrical goods

We commissioned Electrical Safety First (ESF) to explore second-hand ‘bricks and mortar’ sales of electrical products across eight different locations in the UK. This included charity shops, retailers, locally advertised private sales and car boot sales. From visual assessment, the study found products that were in a range of conditions, including potentially unsafe products. Around half of the retailers visited reported undertaking safety checks before placing items on sale, and there was generally a low awareness of the need to check whether products had been subject to a recall. These findings have improved our understanding of the second-hand market, and we used them in developing training for local authorities.

Consumer awareness campaigns

We deliver product safety messages to consumers through awareness campaigns on topical issues, working with partner organisations to reach a large part of the population. Over 2021/22, we have worked with many organisations on a range of diverse campaigns, including but not limited to:

- the Chartered Trading Standards Institute (CTSI)
- the Royal Society for the Prevention of Accidents (RoSPA)
- Electrical Safety First
- the Child Accident Prevention Trust (CAPT)
- the Royal Society for the Prevention of Cruelty to Animals (RSPCA)
- the Royal College of Emergency Medicine

These campaigns have covered raising awareness on ingestion of small and loose magnets by children, summer products such as pool immersion heaters, fireworks, and toys sold via online platforms. Our campaigns also continued to be translated

into the Welsh language to ensure reach and accessibility across the whole of the UK, with further translation of some campaigns into the most widely spoken minority languages.

Fireworks

During 2021/22 we delivered a firework safety campaign in partnership with CTSI, RoSPA, CAPT, and the RSPCA. We involved other stakeholders including local authorities, devolved administrations, the fireworks industry, and the British Retail Consortium. Our policy teams have supported ministers on a wide range of parliamentary interest in firework safety including e-petitions, a Westminster Hall debate, and responded to a Private Members bill on the misuse of fireworks.

The fireworks safety campaign had a potential reach of 4.1 million views, an increase of 1.5 million on the prior year, and our public awareness campaign has doubled its reach on Twitter.

Button batteries

OPSS worked with consumers and businesses to raise awareness of the potential hazards posed to children by button batteries. This followed a report into undetected button battery ingestion in children by the Healthcare Safety Investigation Branch.

We worked to improve button battery safety by funding BSI to produce and publish PAS7055:2021 that considered battery design, product casing, packaging

and safe retailing practices for button and coin batteries¹⁷ (described here as button batteries). We also published guidance for businesses to help them understand the potential risks associated with button batteries and the actions they can take to mitigate them.¹⁸



Ministers established a working group on button batteries encompassing local and national regulators, battery manufacturers and retailers, product and consumer safety experts and healthcare professionals. The purpose of this group is:

- education
- raising consumer awareness
- establishing data requirements to inform the longer-term approach to regulation
- driving adoption of the safety provisions contained in the PAS
- enabling faster deployment of innovations in product design
- supporting targeted enforcement
- providing support to local regulators

To support decision making, we worked with Paediatric Emergency Research in the United Kingdom and Ireland to gather data on button battery injuries. A network of paediatric doctors across the

¹⁷ Office for Product Safety and Standards, 'OPSS supports new standard for battery safety', 27 May 2021, available at: <https://www.gov.uk/government/news/opss-support-new-standard-for-battery-safety>

¹⁸ Office for Product Safety and Standards, 'Using button and coin batteries', 4 March 2021, available at: <https://www.gov.uk/guidance/using-button-and-coin-batteries>

UK contributed data to a research study regarding each patient they treated with a button battery injury. The capture of NHS numbers allowed for tracking of patients to identify their treatment needs, and helps avoid duplicate counting of cases.

Small high-powered magnets

We launched a social media safety campaign, warning of the dangers for children and young people of swallowing small magnets and the importance of seeking medical attention early in the case of suspected magnet ingestion.

Case study: ‘Nil by Mouth’ multiple hazards campaign

During 2022, OPSS led the ‘Nil By Mouth’ campaign to raise awareness of the risks of ingestion across multiple hazards, including button batteries, small magnets, imitation food, and small toy objects. This was delivered in conjunction with CAPT, RoSPA and CTSI, and was shared with local authorities and the NHS. Materials were deployed across social media platforms including YouTube, Facebook, and Instagram, as well as physical media.

The campaign had a reach of 303,000 views on social media. The project created a range of accessible education resources, including a picture-based booklet for parents with poor literacy, and advice in translation covering 17 different languages. OPSS ensured free distribution of these printed resources to 10 geographical areas focusing on areas with high levels of child poverty and high hospital admissions for under-fives. OPSS also undertook free distribution to 2,500 community settings across the UK and to 14 Scottish health resource libraries.

Furniture fire safety

We developed a new approach to furniture fire safety which included a pilot exercise to incorporate the principles of the Public Sector Equality Duty. This ensured that we could mitigate and account for the particular risks to and concerns of people with a protected characteristic, people who identify with an under-represented group, those with poor literacy, and those for whom English is a second language.

We also analysed evidence from our Public Attitudes Tracker research to better understand the safety considerations of

people with a protected characteristic. This was particularly in respect of safety information on product labels which enabled us to develop a new labelling policy. We continued to engage with business representatives, trading standards and the fire service to inform policy positions and kept stakeholders informed of progress, including through our regular newsletter. OPSS also engaged with BSI to feed into the development of voluntary standards that will support businesses to comply with the new approach.

Objective 3: enabling responsive business to thrive



Protection comes first in all that OPSS does. But the protection provided by product regulation must be delivered in a way that enables responsible businesses to operate without excessive and unjustified costs and burdens. We apply a proportionate and targeted approach to enforcement in accordance with the principles of good regulation.

Product Safety Review

Following a review of the product safety legislative framework, a call for evidence took place between March and June 2021, where we listened to a wide range of views on the UK's overarching product safety regulations. We received 158 responses and received further feedback through eight roundtables and workshops attended by 80 organisations representing a broad range of stakeholders. We published our call for evidence response later in 2021.¹⁹

Many respondents recognised that the UK's system of regulation was not designed with today's products or complex models of supply chains in mind, and that new technologies and business models are rapidly changing how consumer products are made, supplied, and used. This includes growing and varied models of e-commerce, the development of new technologies, and changes to product lifecycles. Combined, these create new challenges and an opportunity for the UK to update our product safety framework so that it is responsive, simple, proportionate, and consistent.

Following review of the evidence received, we developed policy proposals to ensure our future product safety system is optimised for UK consumers, businesses, and enforcement agencies. We continued to engage stakeholders on an ambitious reform programme, with our priorities including:

- helping businesses to understand their legal obligations
- considering how product safety processes and testing requirements could become more risk based
- addressing the impact of the changes brought by e-commerce to the product safety framework, including the role of online platforms in supply chains
- considering the introduction of powers to expand access and availability of data and intelligence on product safety incidents
- plugging gaps in enforcement powers that have emerged with the rise of new technology and new business models

Construction products

Our focus throughout 2021/22 was building our capability, policies and processes. At the same time, we committed to introducing OPSS to the construction products industry and associated regulators, engaging further to understand their needs and challenges while building strong relationships. As the newly created national regulator for construction products, we have sought to make industry aware of our role and our remit, creating the circumstances where regulations are understood and abided by, and businesses can comply successfully.

¹⁹ Office for Product Safety and Standards, 'UK Product Safety Review', November 2021, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1035917/uk-product-safety-review-call-for-evidence-response2.pdf

Through the year, we established relationships with trade bodies and published guidance on reporting incidents. We also supported the Code for Construction Product Information developed by the Construction Product Association, intended to help businesses achieve higher standards in the presentation of product information.

Guidance for business

Good provision of information and guidance on how to comply with product safety rules has an important role to play in preventing unsafe products reaching the market. This year, we identified several key pieces of guidance relating to toys, cosmetics and general product safety, which we have provided in translated form. This helps manufacturers abroad and importers with limited understanding of English to comply with their legal responsibilities when supplying products for the UK market.

Guides in simplified Chinese and Bengali, hosted on the CTSI Business Companion website, are now available as a tool for frontline staff. Guides can be used when explaining the outcome of a safety inspection or advising import businesses on how to trade compliantly in future.

OPSS continued to provide information and guidance for business on their obligations in relation to product safety on GOV.UK. This was greatly enhanced during the year through the publication of the new PAS 7050:2022 which focusses on providing support to businesses on bringing safe products to market. Additionally, we updated PAS 7100:2022 on effective product recalls. We also conducted business webinars to support business understanding of PAS, with 138 attendees from 89 different companies.

White goods

Our large white goods programme continued throughout 2021/22, including by working with the London Fire Brigade (LFB), concentrating on data sharing around fire incidence. The focus on data has also been accompanied by work to build a risk model in OPSS, identifying data gaps across the office to support future enforcement actions.

We are developing the industry approach to identification of products that have been involved in fire incidents. We do this through facilitating work between the LFB and the Association of Manufacturers of Domestic Appliances (AMDEA), a leading trade body. This work has developed from discussions around indelible marking techniques to the trial of a code of practice by AMDEA members.

We are also continuing a trial of different approaches to encourage product registration, working in collaboration with manufacturers and monitoring the public's attitude to registering their products. This means that products can be located when action needs to be taken by the manufacturer or the regulator.

Raising eco-design awareness

OPSS enforces product energy efficiency requirements. Throughout 2021/22 a number of changes were made to eco-design and energy labelling regulations. Also, we worked with trade associations, businesses and trading standards to ensure that businesses were aware of their new obligations. Changes included the re-scaled A-G energy label, the expansion of minimum energy standards to LED bulbs, requirements on manufacturers to make spare parts for products available, and extending the lifespan of products.

We took part in industry workshops, spoke at expert panels, sent out targeted communications, and worked with trading standards to raise awareness of these new requirements.

Case study: power transformers notification tool

In July 2021 higher minimum energy performance standards for power transformers were introduced. Where the installation costs of a replacement transformer are disproportionate, then an exemption applies and OPSS must be notified.

To provide clarity to industry on what would be considered disproportionate costs, we worked with the Department for Business, Energy and Industrial Strategy (BEIS) policy team to develop a tool to support notifications. We developed the tool by working with a number of partners. These included the businesses we regulate and other stakeholders, such as the British Electrotechnical and Allied Manufacturers Association, and the Energy Networks Association, and other subject matter experts. The tool was launched on GOV.UK²⁰ and is now used by industry, helping business remain compliant while avoiding excessive costs.

Supporting innovation

OPSS hosted the '2050: Fridge of the Future' conference, in partnership with City, University of London, AMDEA, and LFB. The event was aimed at bringing together large domestic appliance manufacturers, academia, regulators and other stakeholders to promote thought leadership and collaboration on the appliances of the future.

Over 300 delegates considered how to improve the safety and environmental impact of domestic appliances and reduce barriers to innovation. The event included debates around key themes such as:

- smart features and using a smart energy network
- how lifestyle changes will change appliance design and function to better suit the needs of a wider demographic
- the recyclability of large domestic appliances now and in the future
- how new materials will affect how we manufacture cookers, fridges and appliances
- improving the safety and environmental impact of domestic appliances alongside ways to reduce barriers to innovation.

²⁰ Department for Business Energy and Industrial Strategy and Office for Product Safety and Standards, 'How to use the power transformer regulatory relief tool', 1 July 2021, available at: <https://www.gov.uk/government/publications/ecodesign-requirements-for-power-transformers-find-out-whether-your-installation-is-eligible-for-regulatory-relief/how-to-use-the-power-transformer-regulatory-relief-tool>

Supporting cosmetics compliance in Great Britain

We operate the Submit Cosmetics Products Notifications service. This allows businesses to meet the regulatory requirement to submit information to OPSS before a cosmetic product is placed on the market in Great Britain, as well as providing a searchable resource for relevant authorities. This information includes details of the product and its ingredients, along with contact details of the Responsible Person. During 2021/22, the system had 12,531 registered users, 564 search users, and there were 135,930 product notifications made.

Supporting cosmetics exports

In response to changes to Chinese regulatory requirements for cosmetics, OPSS developed a new government-backed certification system with the Department for International Trade (launched in May 2021) to avoid the obligation on UK businesses to test cosmetics products on animals before exporting to China.

The certification system gives businesses access to an emerging market they had previously been denied by providing the required safety and compliance assurances for Chinese regulators and consumers. It does so in a way that ensures businesses' corporate behaviours still meet UK citizens' expectations on animal welfare.

International impact

OPSS continue to maximise and co-ordinate its impact and influence internationally. This includes ongoing provision of technical assistance and advice to UK trade partners on good regulatory delivery. Working through the Foreign, Commonwealth and Development Office, we have delivered 1,018 days of technical assistance, training 269 overseas government officials in Indonesia, the Philippines, and Vietnam on good regulatory practices.

We submitted 28 reports to overseas governments, offering advice on good regulatory practice and delivery, and supported the design and implementation of 11 government policies.

In addition, we are an active member of various multilateral forums, engaging and influencing international partners to strengthen conditions for UK business success. For example, this includes the OECD ASEAN Good Regulatory Practices Network which aims to strengthen good regulatory practices and promote more resilient regulatory systems in ASEAN. Additionally, OPSS is supporting efforts to improve global co-operation and protect consumers from unsafe goods with the OECD Working Party on Consumer Product Safety.

We hosted a virtual conference entitled 'Uniting Regulators to Tackle Climate Change'. The conference attracted debate on how well-designed and delivered regulation can support the UK government's international climate responsibilities and the dual net zero ambitions of mitigation and adaptation. Speakers from the United Nations, World Bank Group, World Trade

Organisation and OECD highlighted the importance of international collaboration and the leadership role played by the UK.

Stakeholder and business engagement

We continue to build on relationships with consumer bodies, business representative bodies, non-governmental organisations, and other stakeholders to inform our policy and support our delivery across all our work. We are guided by the principles of working in partnership and collaborating with stakeholders to deliver impact.

OPSS continues to host a quarterly Business Reference Panel, which brings together a wide range of trade associations and others to discuss the work of OPSS and the wider regulatory agenda. Themes this year have included designated standards, the Product Safety Review, reforming the ‘better regulation framework’ and UKCA marking.

As well as our quarterly events, we hosted a number of smaller reference panels across 2021/22 focussed on specific topics including construction products, electronic labelling, the market surveillance regulations, and development of the OPSS Strategy.

Standards and accreditation

Standards and accreditations are as essential for successful trade as they are for effective regulation. OPSS leads on standardisation and accreditation policy, and the government relationship with BSI and UKAS to influence UK standards development. These relationships are governed under memorandums of understanding, and grant funding is also provided to ensure the UK has a voice in influencing international standards, accreditation policy and best practice.

This work enables public interest to be heard in setting standards for public safety and societal outcomes. Where appropriate, OPSS has funded the development or distribution of standards or specifications in priority areas for government, as discussed elsewhere in this report, and contributes to BSI’s international leadership work programme.

Objective 4: co-ordinating local and national regulation



Some areas of product regulation are covered by multiple enforcement authorities. This requires effective collaboration between regulators to eliminate duplication and avoid gaps. We work with local authority regulatory services and with other local and national bodies to deliver joined up protection and support.

Local authority co-ordination

As the national regulator for product safety, metrology and construction products, OPSS continued to provide training, access to testing and other technical advice and support to local authorities. During 2021/22, we provided training to support local authorities' work in product regulation – this was delivered to staff at 196 individual local authorities, with 3,291 training attendances. We also supported local authority access to product safety testing through funding of local authority test houses to analyse samples. Over 580 products were tested as part of this sampling programme.

We conducted an awareness programme for construction products to gather feedback from local authorities on the existing regime and to inform our on-going approach to delivery. We supported local regulators on 13 construction product investigations.

OPSS funded free access to technical standards for frontline officers. 2021/22 saw a significant increase in access to BSI standards by enforcement authorities, with 5,674 standards accessed by local regulators compared to 4,032 in 2021.

Working in conjunction with the Home Office and local licencing authorities,

we offered innovators the opportunity to run small scale trials for age verification technologies relating to the sale of alcohol. This 'regulatory sandbox' created a conducive and contained space where experimentation with technological innovations could take place, and where a blanket application of current regulation might otherwise prevent their development. The regulatory sandbox for age verification went through the application and decision process, with nine trials held, running from late 2021 until June 2022, and a full evaluation will be published of the results.

Market surveillance co-ordination

OPSS is responsible for UK market surveillance policy and co-ordination, and is the market surveillance authority for a range of product regulation areas. During 2021/22, we continued to work closely with delivery partners on market surveillance activities, alongside our role as a regulator. This included training local authorities across Great Britain and Northern Ireland, and engaging with a broad range of departments and national and local regulators. These included, among others, Ofcom, the Medicines and Health Care Products Regulatory Agency, district councils, and the Health and Safety Executive.

We supported these bodies by setting the strategic direction for market surveillance policy, assisting with business engagement, and running the UK Market Surveillance Governance Group. This provided a critical link between the policy aspirations for market surveillance across the UK and the coherent and practical delivery of those aspirations.

Metrology

OPSS funded the CTSI Legal Metrology Module, as part of the CTSI Professional Competency Framework. Successful completion qualifies trading standards officers as inspectors of weights and measures in accordance with section 73 of the Weights and Measures Act 1985. We also hosted two weights and measures familiarisation days for officers to learn or refresh their weights and measures competencies.

We published the 2019/21 and 2021/22 Section 70 reports²¹ which outlined where the majority of local authority activity on legal metrology had taken place and highlighted the main concerns.



21 Office for Product Safety and Standards, 'Section 70: Weights and Measures returns and reports', 31 October 2022, available at: <https://www.gov.uk/government/publications/section-70-weights-and-measures-returns-and-reports>

Construction products

In addition to the internal capability building described elsewhere in this report, we have been actively working with DLUHC to ensure that the new construction product regulations are fit for purpose. At the same time, we have been supporting local authorities in Great Britain and district councils in Northern Ireland to deliver their responsibilities under the current regulations, as well as using the Secretary of State's enforcement powers where necessary.

Information sharing

The Product Safety Database (PSD) enables OPSS, local authority regulators and other enforcement bodies to notify unsafe and noncompliant products, share information on live issues and cases, and search for information relating to previously notified products.

We provide a managed service for the PSD, operating a surveillance unit on behalf of UK regulators, and providing advice through guidance, training, and enquiry support. This service supports validating and publishing data on the product recalls and alerts website. We also liaise internationally on unsafe products with a cross-border effect as part of data sharing agreements.

During 2021/22, we:

- co-ordinated 4,268 product safety notifications submitted on the PSD
- identified 500 products on the UK product recalls and alerts website compared to approximately 300 the previous year – these products were collated into 64 product safety reports published during 2021/22
- identified 2,219 unsafe products from overseas and triaged for impact on the

UK market – we identified 395 safety issues as relevant to the UK which were referred, publicised or otherwise actioned

- shared 51 reports with the EU as part of our legal obligations under the Withdrawal Agreement
- delivered ten training sessions for over 800 external delegates on product safety notifications and the PSD

During 2021/22, we worked on the development of a new system to make information regarding unsafe products and recalls accessible to the public. The system will merge the UK product recalls and alerts website and the government recall campaign website, and provides enhanced search and subscription facilities.

Product safety alerts are the primary mechanism for OPSS to raise concerns relating to safety issues across entire product lines. These result in regulators, businesses or consumers to be called to act to prevent public harm. During 2021/22, OPSS published two alerts to draw attention to the safety risks presented by small, high-powered magnetic products and angle grinder chainsaw disc attachments.

Case study: angle grinder chainsaw disc attachments

Following the safety alert for chainsaw disc attachments that were incorrectly sold for use with angle grinders, we carried out online sweeps for relevant products. Where listings were identified, these were referred to the online platform or their Primary Authority, explaining the safety issues, signposting them to the safety alert and asking that they de-list the products.

In cases where we did not receive a response from the online platform, the subsequent listings were removed. In total, as of December 2021, of 121 listings found online, more than 95% were de-listed, with sweeps continuing to take place throughout 2022.

respect of PA advice relating to proposed enforcement action, a stakeholder may request that OPSS exercise powers on behalf of the Secretary of State to issue a determination. During 2021/22, three such determinations were made.

PA continued to grow over the period, with 187 new partnerships being approved and PA training having an impact on partnership numbers increasing. Two courses were delivered to 862 local authority and fire and rescue officers. A successful pilot of Primary Authority business training was also run, which will be developed further during 2022-23.

Our PA sector panels continued in 2021/22, bringing together PA providers of some of the biggest industry players in key sectors. Panels discussed issues affecting their business partners, with topics including mandatory calorie display, track and trace, and underage sales.

Primary Authority

Primary Authority (PA) is a means for businesses to receive assured and tailored advice on meeting environmental health, trading standards or fire safety regulations. This works as a single point of contact, rather than dealing with individual local authorities separately. PA is administered and operated by OPSS and is utilised by local authorities and over 114,000 businesses across the UK.

PA enables businesses to invest with confidence in products, practices and procedures, knowing that the resources they devote to compliance are well spent, and the advice they get will be nationally recognised. Where questions arise in

Better Business for All

Better Business for All (BBfA) is a framework of good practice that brings together businesses and regulators in local partnerships. It helps them identify the issues facing local businesses and provide support to them. Most local authorities are involved with the programme, preparing and implementing action plans and sharing good practice.

By the end of 2021/22, all regions in England had access to a strategic regulatory network, a forum for BBfA groups to come together to discuss ways to simplify the delivery of regulation and share good practice. As OPSS has stepped away from leading this programme, the networks

will continue by utilising the well-established BBfA framework to continue delivering.

The BBfA network was used across a range of government departments/agencies to help deliver policy priorities. These included Visit England and Tourism, the Department for Digital, Culture, Media and Sport, and the Commonwealth Games, as well as key policy areas within OPSS.

Ongoing COVID-19 response

At the start of 2021/22, OPSS was still working closely with local authority regulatory services to support their enforcement of the remaining COVID-19 restrictions on business operations. This included hosting live briefings with policy leads to audiences of 1,000+ people and providing a FAQ document.

On product safety, we continued to co-ordinate the Regulatory Co-ordination Cell, comprised of UK regulators. They provide specialist advice, co-ordinate support, share intelligence and analysis on market surveillance, and focus UK strategic efforts for dealing with national issues.

Objective 5: inspiring confidence as a trusted regulator



The public need to be able to trust product regulation – trust that it is actively enforced and trust that OPSS is an objective, impartial and effective regulator. This requires us to have the right capabilities and to apply them in the right way. This objective covers everything we do to maintain and run the organisation to deliver on our purpose.

Building construction products capability

A key focus during 2021/22 has been to build the operational processes that OPSS will work to in the regulation of construction products in the long-term, and to develop a sound knowledge and evidence base to deliver effective regulatory actions in the industry.

We have built our capacity and capability in preparation to take on new enforcement powers (expected in early 2024) under the Building Safety Act 2022. We have recruited a range of professions and have built capability in market surveillance, testing, engineering, regulatory practice, and enforcement.

We have engaged with industry bodies and other regulators, including local authorities with whom we will co-regulate this sector. We have undertaken a significant programme of research to understand the construction product sector and the wider landscape in which it operates. The learning we gain is, and will continue to be, used to develop, shape and refine our approach.

Data Strategy

Our plan is to further embed good use of data into who we are and how we operate, improving our data maturity as an organisation. We have built on work undertaken since 2018 which has culminated in our first formal Data Strategy. We identified four strategic objectives for our data strategy, setting the direction for the next three years:

1. to sharpen our understanding of the regulatory landscape and key actors, through the acquisition and development of data sources and reviewing obligations for information notifications under relevant legislation
2. to ensure the effective governance and deployment of data we own and share with others, through improved consistency and use of common data standards, as well as upskilling staff in key data skills
3. to use data analytics and data products to inform policy development and delivery, and drive behavioural change in consumers, businesses and the public, through greater evidence of what works in practice
4. to use trend and predictive data to target our regulatory activity according to risk, as well as improve opportunities for early intervention

We have initiated a programme of work for delivery up to 2025, detailing the activities which will achieve the direction outlined above. Progress is already underway to receive better data through the Product Safety Review and make data more accessible through data sharing initiatives with our stakeholders.

Testing capability

Our Teddington site houses the OPSS Centre for Product Testing and Research, the home of our laboratory facilities for metrology, mechanical, electrical, chemical and flammability testing. We undertake in-house product safety testing, utilising our expanding capability following the laboratory development programme. We do this alongside externally commissioned testing, engaging with and utilising commercial suppliers across the globe to provide robust product testing.

During 2021/22, we continued to invest to enable effective scientific research and enforcement of product regulation, while increasing our support for testing with our improved understanding of the wider product safety market. We established new testing capabilities throughout our product safety laboratories with chemical and mechanical laboratories becoming operational and supporting our enforcement work in relation to online platforms.

We also continue to build and maintain effective relationships with other science and laboratory-based institutions, through collaboration with local authority laboratories, Public Sector Research Establishments, academia and international regulators.

Research

In 2021/22, we have invested in research to provide data, scientific evidence and behavioural insights to inform policy and regulatory decision making, and to make our consumer awareness campaigns more effective.

We have added to our published body of research, with a third tranche of reports now available.²²

Our academic secondment programme has supported us in developing an evidence base around online platforms. We continue to grow the programme with more secondment opportunities in other OPSS priority evidence areas and engagement with academic institutions on various projects. University project partners have included Queen Mary University of London, Imperial College London, Oxford Brookes, Royal Holloway University of London, Warwick, Newcastle, and Kings College London.

²² Office for Product Safety and Standards, 'product Safety Research', 5 October 2020, available at: <https://www.gov.uk/government/collections/product-safety-research>

Case study: horizon scanning

Much research and evidence gathering relies on historical data. While this is of vital importance, it is not conducive to proactive regulation that enables innovation or observes risks before they form. In 2021/22 we established a new horizon scanning function to help us systematically assess future technologically-driven changes across the next 10-15 years. This work aims to compile and assess information on possible challenges and concerns before they become a reality in consumer goods, business models, supply chain processes or routes to market. Horizon scanning will enable us to keep up with the way markets are shifting, opportunities are developing, threats are evolving, and protections need updating.

These insights will enable us to:

- encourage innovation
- use sandboxes to safely examine better ways to regulate
- work with partners and business
- mitigate concerns
- maintain consumer confidence in changing markets

To support the growth of this new function, we are developing relationships with similar teams in other regulators and policy departments.

Digital services

OPSS has built up its digital infrastructure throughout 2021/22, developing robust capability for product safety in the UK following the EU Exit. We continued to develop the Product Safety Database which enables market surveillance authorities to report and share information relating to unsafe and non-compliant products, focusing on improving data quality. Significant improvements were made to streamline the user experience to improve searching and reporting. This has encouraged uptake and correct use of the platform, enabling better protection of consumers.

The Submit Cosmetic Product Notifications system allows responsible persons to notify details of cosmetic products made

available on the GB market. During the year, developments focused on making a seamless experience for business users, ensuring that changes to obligations following the EU Exit were easy to understand and to comply with. We also provided the NHS with the ability to search for ingredients in cosmetic products via the service so that they could provide better protection and treatment to the public.

Development also continued on the Primary Authority Register, which enables the operation of Primary Authority through nominating partnerships, notifications of proposed enforcement actions and publishing inspection plans. The service was further simplified to help co-ordination of regulation, and reporting was improved.

Our digital services continue to meet accessibility standards and are designed with 'assisted digital' in mind, catering for users who have problems accessing a service to complete a transaction.

Case management system

We began development of an Enquiry Case Management (ECM) system to improve our regulatory capability to deal with regulatory investigations appropriately, in line with our policies and procedure. This is also aimed at improving the security, accountability and transparency of our internal regulatory activity data. This is a major new system that will sit at the heart of our regulatory enforcement activities, and will provide new capabilities as well as replacing a collection of older systems and data assets.

Work during the year included scoping, establishing processes, and developing blueprints for a future single service to harmonise our approach to case management. ECM will deliver benefits of improved data quality, better transparency of case material, and a reduction in risk and duplication leading to increased efficiency.

Governance and accountability



Our values

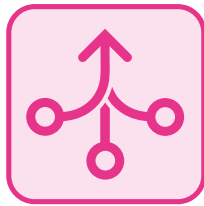
Our values help us determine what type of organisation we are, what we stand for, how we treat each other and help guide our decisions.



Making an impact
delivering benefit for society now and for future generations



Always learning
through listening, reflecting and changing



Keeping stronger together
embracing diversity of perspectives, skills and experiences



Improving openness
through communication, challenge and clarity

OPSS resourcing

We are part of the Market Frameworks Group that during 2021/22 was part of BEIS, and responsible for maintaining and developing the frameworks that underpin UK economic activity, providing confidence and trust for people and for businesses. We have approximately 430 staff across our Birmingham, London and Teddington sites.

Our total budget for 2021/22 was £52.6 million, including capital investment. We were funded by the relevant policy department responsible for each of the product regulation areas that we enforce. Most of our funding came from BEIS, DLUHC, and Defra.

OPSS is an advocate of learning and development and apprenticeships. Over 2021/22, we had 26 colleagues completing apprenticeships across regulatory compliance, business management, finance, and project management.

Organisational change

Following the UK leaving the European Union, changes in the broader test house and conformity assessment landscape have made it necessary for OPSS to consider the way it operates its statutory and commercial metrology services. In particular, this applied to its role as a Conformity Assessment Body (CAB) for metrology products.

We announced in September 2021 that we would end provision of our commercial CAB services under the NMO brand in 2022. In managing the exit, we ensured alternative provisions for businesses were in place before stepping back from the market, ceasing CAB services at the end of April 2022.

OPSS will continue to uphold its statutory metrology services and its place as an expert leader in legal metrology. Ceasing the CAB commercial services will enable us to focus more on our key areas, increasing our support for local government and businesses, both across the UK and internationally.

Advisory group

Our advisory group of six external members typically meets quarterly and is based on the model of non-executive directors. Members bring knowledge from similar delivery organisations and related non-governmental bodies. The group provides external challenge and brings fresh perspective and ideas to OPSS, ensuring we are best prepared to deal with both current and future challenges. The group is not involved in operational decisions, such as handling individual regulatory incidents.

Current members are:

- Jason Feeney, former Chief Executive of the Food Standards Agency
- Neil Gibbins, Fire Risk Consultant and former Senior Fire Officer
- Gareth Hills, Director at the Home Office
- Cathryn Ross, Director of Strategy and Regulatory Affairs at Thames Water
- Rachel Sandby-Thomas, Registrar at Warwick University

- Errol Taylor, Chief Executive of the Royal Society for the Prevention of Accidents

Discussion topics during 2021/22 included the regulatory challenges and organisational impact of construction products activity, the use of science in OPSS, and learning from the National Audit Office study on protecting consumers from unsafe products.²³

²³ National Audit Office, 'Protecting consumers from unsafe products', 16 June 21, available at: <https://www.nao.org.uk/reports/protecting-consumers-from-unsafe-products/>



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