



Office for Product
Safety & Standards

Delivery Report 2022/23



Contents

- 4 Foreword
- 6 Introduction**
- 7 Executive summary
- 9 Understanding OPSS
- 12 OPSS Strategy
- 18 Objectives and achievements**
- 19 Objective 1 delivering protection through responsive policy and active enforcement
- 44 Objective 2 applying policies and practices that reflect the needs of citizens
- 50 Objective 3 enabling responsible business to thrive
- 60 Objective 4 co-ordinating local and national regulation
- 66 Objective 5 inspiring confidence as a trusted regulator
- 78 Governance and accountability**



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

Kevin Hollinrake MP

Parliamentary Under-Secretary of State
Department for Business and Trade

Foreword

The creation of the Department for Business and Trade (DBT) has established a single department for growth; a department that is focused on providing support for UK businesses internationally and domestically, to help them to trade, export and thrive. In setting up the Department, the Prime Minister talked of delivering a pro-enterprise regulatory system whilst also protecting consumers.

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

As innovation and new technologies offer opportunities for growth and prosperity, they can also bring potential risks which have to be managed. The Product Safety Review, published in August 2023, recognises how the world is changing; it is important that the framework that protects consumers from unsafe products adapts to deal with new and novel products or business models.

At the heart of this framework is the Office for Product Safety and Standards (OPSS), the UK's national product regulator, which is responsible for policy and delivery of regulations across the product life cycle and for leadership of the National Quality Infrastructure.

Protecting citizens is at the forefront of OPSS activity. At the beginning of this year, I told key online marketplaces they must do more to keep unsafe products off their platforms, after OPSS found consumers were repeatedly able to access unsafe products through them.

Among many interventions during the year OPSS issued safety alerts for dangerous self-feeding products for babies being offered online, and took action to remove these listings. OPSS also served Suspension Notices on a number of businesses to stop the supply of certain models of gas hobs, following an explosion at a caravan park in April 2023.

This 2022/23 Delivery Report demonstrates how OPSS is protecting people and places and supporting sustainable growth; all the while making a positive difference to the lives of UK citizens and business.

We will now move forward with others internationally and, when necessary, take the initiative to lead the way forward. Across the world, UK goods are already seen as amongst the safest in the world. This Government is determined to do even better.



Protecting citizens is at the forefront of OPSS activity. Key online marketplaces must do more to keep unsafe products off their platforms.

Introduction



Executive summary

The Office for Product Safety and Standards, is the UK's national product regulator, within the Department for Business and Trade.

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

This report highlights OPSS' key achievements over the 2022/23 financial year and maps them against our five strategic objectives.

During the year we published our 2022-2025 Product Regulation Strategy. As part of our focus on risk and the management of risk, we created and launched a new risk assessment framework (PRISM), we rolled out our new Enquiry and Case Management system, we developed a three-year data strategy, and launched a monitoring and evaluation framework.

Our continued policy development work will modernise and simplify the UK Product Safety Framework to reflect changes in how consumers buy products, and how businesses bring products to market. We recently closed the consultations on the Product Safety Review, and the Furniture Fire Safety Review and the Government is now preparing responses.

Our Incident Management Team assessed and responded to 369 product safety cases. We oversaw an ongoing corrective action programme that in 2022/23 delivered in-home safety modifications to the gas cookers of 33,000 consumers.

Our active enforcement and management of product safety incidents remains prompt and proportionate. In 2022/23 we moved fast to issue safety alerts for dangerous self-feeding products for babies and took action to ensure they are not sold online or through other channels.

We accelerated and extended our programme of online market surveillance activity to better understand rates of non-compliance, product risks and the prevalence of non-compliance across different platforms and supply chains.

8 Introduction

We protected consumers and British businesses through our work at ports and borders. We provided intelligence and funding to local authorities to carry out checks, which meant 10 million unsafe products were intercepted in 2022/23.

We sampled the in-service accuracy of 23 different types of gas and electricity meters, representing 5.1 million meters, providing confidence to consumers that they will be billed accurately for gas and electricity.

We finalised our Consumer Plan which sets out and formalises our consumer work. We keep customers informed about product risks and mitigating actions by publishing information on GOV.UK and social media.

OPSS funded scientific research, ran regular focus groups and sought feedback from our partners to inform how we target unsafe products;

our Consumer Reference Panel provided challenge and insight to inform our work.

Working with the Department for Levelling Up, Housing and Communities, the Construction Product Regulations 2013 were extended to OPSS, and we built capacity in surveillance, testing, engineering, regulatory practice, and enforcement.

Our Engineering and Technology Team developed a construction products research strategy to collect data, build knowledge and identify future evidence needs. We identified six regulatory priorities for construction products and developed appropriate regulatory interventions.

Through our leadership of the National Quality Infrastructure, working particularly with BSI and UKAS, we are building a system that will give confidence to business and consumers in a digital age.



Understanding OPSS

The primary purpose for OPSS is to protect people and places from product-related harm, whilst enabling trade and growth by ensuring consumers and businesses can buy and sell products with confidence.

We are part of DBT, the department for economic growth, supporting businesses to invest, grow and export, creating jobs and opportunities across the country.

OPSS is committed to the principles set out in the Government's policy paper 'Smarter Regulation to Grow the Economy'. We aim to ensure that regulation is used only where necessary, that it is clear, and proportionate to the intended purpose and outcomes.

The UK has a strong global reputation for creating regulatory environments that address market failures, influence behaviour and promote positive action. Proportionate product regulation protects consumers from unsafe and non-compliant products, ensures consumers and businesses can buy and sell with confidence, helps reduce environmental impacts, and contributes to the government's ambitious net zero target whilst supporting sustainable growth.

We prepare policy advice to ministers, with our decisions informed by intelligence, science and evidence; we work across government both nationally and locally and with other public services, industry associations and business; and we track both consumer and business attitudes. Our policy responsibilities cover product safety, metrology and hallmarking regulations.

OPSS is at the heart of the UK's National Quality Infrastructure (NQI) for standards and accreditation. NQI ensures that when buying products, businesses and consumers get exactly what they expect, compliant with the relevant standards designated by government.

By promoting the use of recognised standards, OPSS helps protect UK consumers and the environment; and NQI aids the opening of new markets for UK businesses by supporting trade agreements.

We are part of a wider regulatory system with many stakeholders; we deliver our objectives through influence, information, and the right systems and relationships. That can be through engagement with other regulators in the UK or internationally, recognising the needs of citizens, publishing product safety data for consumers, and sharing risk data on particular products and companies with border authorities.

We use engagement networks to bring in the views of businesses, consumers, and other stakeholders. We apply our expertise and data from co-ordinating local and national product regulation and from the incidents and cases OPSS manages.

Working with trusted partners such as the Royal Society for the Prevention of Accidents (RoSPA) and the Child Accident Prevention Trust (CAPT), we amplify and communicate our consumer safety messages.

Our main responsibilities

OPSS is responsible for the regulation of most consumer goods excluding food, medicines, and vehicles. We regulate products including furniture, clothing, footwear, cosmetics, toys, machinery, protective equipment, electrical and electronic goods, and sports equipment. We apply regulations across the product lifecycle from design, accreditation, and manufacture, through to labelling, supply, end use, and safe disposal. We hold policy responsibility for product safety, legal metrology (weights and measures), standards and accreditation, hallmarking, and Primary Authority,

advising DBT Ministers on how those should operate and evolve.

We deliver a range of product regulations on behalf of other departments where they hold the policy responsibility. We regulate construction products on behalf of the Department for Levelling Up, Housing and Communities (DLUHC), and regulate product and supply chain environmental matters on behalf of DEFRA.

- **National regulator for product safety:** We lead on all aspects from policy to delivery and have responsibility for the policy framework, national scientific, technical, and incident management capability working with local authorities. Our enforcement covers nationally significant, novel, or contentious issues.

- **National regulator for legal metrology:** We are responsible for policy and implementation, and provision of national capacity to ensure weights and measures are accurate, guiding and supporting the metrology work of local authorities.
- **National regulator for construction products:** We oversee the construction products regulatory regime, and lead and co-ordinate market surveillance and enforcement in this sector. We are accountable to DLUHC for implementation and enforcement.
- **Hallmarking:** We deliver confidence in the market for precious metals through our sponsorship of the British Hallmarking Council.
- **Primary Authority:** We enable businesses to easily access assured advice from specific local authorities, simplifying regulation, and avoiding duplication.
- **Standards and accreditation:** We lead government policy on market surveillance and standards and accreditation policy, working with the British Standards Institution and the United Kingdom Accreditation Service, providing benchmarks for the manufacture of safe products and assuring the quality of testing, calibration, and certification services.
- **International:** We work with the Foreign Commonwealth and Development Office in partner countries to support the development of regulatory environments that enable international trade. We advise the UK government on product regulation matters relating to trade agreements and bilateral discussions on international trade.
- **Repatriated laws:** We ensure the ongoing delivery of regulatory responsibilities repatriated from the European Union within our areas of policy responsibility including approvals, designations, and scientific advice.
- **Energy standards:** We act as the government's enforcement authority for standards and measurement of energy supplies, along with energy efficiency and environmental standards for product design and performance.
- **Environmental regulations:** We enforce a range of environmental regulations including energy labelling, electrical equipment recycling, battery takeback regulations, as well as ensuring due diligence in the trade of timber to protect biodiversity and reduce illegal deforestation.



OPSS Strategy

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

Our strategy, launched in August 2022, has five core objectives against which we report our activity and impact.

Our objectives

- 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

The outcomes we seek

Regulation should not exist for its own sake. OPSS is always striving for the following outcomes:

- 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.

People are protected from product related harm

One of the ways OPSS protects people from harm is through our oversight and scrutiny of national corrective action programmes that businesses are required to take when a product they have brought to market is found to present a risk to consumers. Following an investigation after a fatal incident we oversaw a corrective action programme by Glen Dimplex Home Appliances in respect of gas grills. This programme is still running, and in the first year, the programme has delivered in-home safety modifications to the range-style cookers of 33,000 consumers.

Other examples of our work during the year included processing 2,814 product safety notifications via the Product Safety Database. All of these were triaged and resolved, with 640 published on GOV.UK as Product Recalls or Product Safety Reports. In addition, 3 Product Safety Alerts were published. Our Incident Management Team handled 369 cases, with 331 allegations and enquiries related to consumer product safety and 38 in respect of construction products. Other OPSS actions resulted in 450 individual listings for hot air hairbrushes removed across multiple online platforms, and 12 Withdrawal Notices issued to permanently prevent the supply of unsafe and inherently dangerous baby self-feeding products in the UK.

Consumers can buy and use products with confidence

OPSS undertakes regular consumer surveys to track consumer attitudes. These show that:

72%

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

52%

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

We continue to focus resources on ensuring consumers are protected whether in-store or online. Online channels have created new opportunities for consumers and the ability to buy direct from suppliers around the world. Whilst supporting trade and innovation, these channels create new risks and challenges around informed choices, effective enforcement, confidence in compliance, and safety outcomes.

In a project completed during the year OPSS purchased 2,260 products from a range of online marketplaces from categories including toys, cosmetics, small mains powered appliances and products containing button batteries. These categories were chosen where evidence caused us to suspect non-compliance and safety risks, and 1,832 (81 per cent) of the 2,260 products tested between October 2021 and September 2022 were found to be non-compliant. OPSS worked with

the businesses involved to ensure that non-compliant products were delisted, ensuring that consumers were not able to continue purchasing them. Where relevant, enforcement action was taken to ensure products are not relisted for sale.

Businesses comply with their legal obligations

The desired outcome for both business and consumers is that business are able to comply without barriers, and with access to resources that help them to ensure products are safe. OPSS undertakes regular research tracking business attitudes to compliance, and our research 'Product Safety and Industry' published in 2022/23 found that 89% agreed that they had all the support and guidance they needed to ensure products were safe.



70% of businesses reported that there were no barriers or challenges to achieving product safety compliance. Most businesses reported that they would assist with product recalls (82%) and would assist in reporting faulty or counterfeit goods (74%). Businesses in the toys/baby products and cosmetics sector were more likely to report taking these actions to ensure high product safety standards.

Achieving compliance without sanctions is always preferable, but where necessary OPSS exercised its statutory powers to hold them to their obligations and to keep consumers safe. This included the serving of 81 Recall Notices requiring unsafe products to be recalled from consumers, and 62 Withdrawal Notices that required the seller to withdraw a product from the market. We issued 7 Notices of Remedial Action in relation to non-compliant timber and served 4 Prohibition Notices for construction products.

Responsible businesses can operate with confidence

We seek to enable compliance, helping and advising businesses to understand and implement relevant regulations, and support growth. During the year OPSS worked with Gloucestershire Trading Standards in helping a growing business into compliance with Restriction of Hazardous Substances (RoHS) regulations. The business had started as a home startup business and grown rapidly to achieve a turnover of several million pounds turnover in five years, manufacturing electronic gaming machines. Colleagues from our Environmental & Supply Chain Assurance team worked with the business and alongside Trading Standards to explain the regulations and the obligations for manufacturers.

We advised on the management of component suppliers and explained the benefits of traceable technical documentation. As a result of this work the company was able to demonstrate RoHS compliance which was a qualifying requirement for a large order that the business subsequently won.

Beyond practical help to individual businesses, OPSS supported business growth, innovation, and international trade by responding to new technologies and developments, supporting an up-to-date and responsive standards and accreditation infrastructure, and adapting domestic policy and regulations where necessary.

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

OPSS enforces environmental regulations to reduce emissions and protect the environment, for example by increasing recycling rates. We help businesses understand and comply with the regulations, working with a range of partners including the Environment Agency and local authorities to enable compliance leading to reduced emissions, fewer harmful chemicals in landfill, and higher rates of recycling.



During 2022/23, OPSS contacted one of the UK's leading suppliers of fitted kitchens and appliances to discuss WEEE compliance following the expiry of their Distributor Take-back Scheme (DTS) membership. DTS operates as a membership compliance scheme for retailers of electrical and electrical equipment; the membership fee is used to support local authority recycling facilities and initiatives. Under current WEEE regulations larger retailers can no longer use DTS and must provide their own take-back arrangements. We discussed the regulations and the company's current practices. Having previously qualified for DTS, they had never considered offering their own takeback arrangements. Following our intervention, this national supplier now offers WEEE takeback in over 100 showrooms around the country, through an integrated WEEE takeback management system with branded information for customers on site and online.

We also registered 20 additional industrial and automotive battery producers on the National Packaging Waste Database, taking it to a total of 518 registered producers. Other elements of our work to minimise waste electrical and electronic equipment resulted in 312 businesses being brought into compliance with the distributor takeback scheme, a success rate of 89% for those businesses in scope for this reporting period. During 2022/23, we investigated and resolved 21 Statutory Notifications of non-compliance with the Restrictions of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations. As a result of these interventions, 40,800 non-compliant products were removed from the UK market.

Objectives and achievements



Objective 1 delivering protection through responsive policy and active enforcement

OPSS operates from policy to delivery. We enforce product regulation as the national regulator, working with local authorities and other agencies; and we use our regulatory and enforcement expertise to shape policy and to develop new regulations where change is needed.

Whether developing policy advice for ministers, providing guidance to business, or enforcing regulations, our primary purpose as a product regulator is protection – protecting the rights and safety of people, the environment, the planet, and the places where we live.

Product Safety Policy

Product Safety Review

During 2022/23 OPSS continued work on the Product Safety Review (PSR) and published the consultation in August 2023. This has been a significant piece of work to set out plans that will modernise and simplify the UK's product safety framework.



We issued a Call for Evidence in 2021 and conducted more than 80 roundtable engagement sessions to develop the proposals in the consultation.

The review examines how product regulation needs to work to protect consumers, ease business burdens and grow the economy in light of different supply chains and with digital technology and e-commerce in mind. It aims to reform the UK's product safety framework so that the system is more accountable and proportionate and also help businesses to innovate, grow and create more jobs. The review will modernise the existing product safety framework and legislation to reflect changes in what we buy and how we buy it, such as the emergence of online marketplaces and internet connected devices.

We have included proposals to place new responsibilities on online marketplaces, in addition to those they have under the current framework, so that shopping online is as safe as on the high street, as well as specific digital proposals on e-labelling. The proposals will mean more flexible obligations on businesses that are proportionate to the product's risk, as well as the creation of a more agile and responsive regulatory framework.

Furniture Fire Safety Review

During 2022/23 we worked to finalise the consultation proposals for a new approach to domestic furniture fire safety. This will improve fire safety for consumers while addressing concerns about the use of chemical flame retardants. The consultation was published in August 2023.

Case study **Smarter Regulation:** **Fire safety of domestic upholstered furniture**

In 2019 the Government announced it would develop a new approach to domestic upholstered furniture fire safety, based on outcomes with standards developed independently, facilitated by the British Standards Institution. The new proposals address the risks associated with both the changing nature of fire hazards and exposure to potentially toxic flame-retardant chemicals.

OPSS used its expertise in policy, experience from enforcement and insight from stakeholder engagement to develop science and evidence-based proposals through 2022/23. We worked with our network of stakeholders from business, public sector, and consumer bodies to ensure the proposals deliver the intended outcomes whilst meeting the principles of Smarter Regulation.

We commissioned research into the characteristics of modern domestic fires; fire risk and risk of exposure to chemical flame retardants; and into consumer attitudes to fire safety information. We engaged with businesses, charities, the fire service, and BSI on initial policy proposals, and with other Government departments to understand their concerns. We worked to bridge differing views around baby products, where fire safety risks compete with chemical exposure risks.

The consultation that has since been launched is an example of Smarter Regulation, working collaboratively through networks and relationships, joining up policy and delivery, using data, evidence and research to create recommendations to reform regulation to be as clear as possible, and only used where necessary and proportionate.



Retained EU Law

Following the UK's exit from the EU there is a body of UK law which is derived from our time in the EU – known as Retained EU law (REUL). The UK government undertook a review of REUL to determine which aspects should stay in place, and which should be repealed or revised. Our policy teams worked extensively with lawyers and stakeholders to identify what elements of REUL was the responsibility of OPSS and considered what should be retained and whether any could be revoked.

We identified REUL applicable to our remit, and placed this on the public facing dashboard, reassuring stakeholders of the identification of the right laws and the longer-term intentions. Policy options and a delivery plan for the retention of relevant REUL were agreed by the Secretary of State. We engaged with stakeholders to understand and address their concerns around powers

within the draft REUL Bill (which has since become an Act), and took an active role in the Bill's progression through Parliament, including ensuring OPSS relevant laws identified through this work were retained following the final decision and subsequent Act.

This allows us to consider product regulations within the PSR – reviewing rules by product area and considering them as part of the wider future framework thinking.

Supporting the Windsor Framework

We drafted amended regulations to ensure proper implementation of the Windsor Framework in Northern Ireland, in respect of the EU Directive 2014/34/ EU covering equipment for potentially explosive atmospheres. This directive aims to prevent equipment or protective systems from becoming sources of ignition in atmospheres that could be

explosive, such as within petrol stations, mines, agricultural silos, and chemical processing plants. We also developed an SI to implement an EU delegated regulation requiring smartphones to provide location details in calls to emergency services.

Reducing chemical risks

OPSS established a Scientific Advisory Group on Chemical Safety of Non-Food and Non-Medicinal Consumer Products (SAG-CS) in 2021. During 2022/23 we established a SAG Policy Board to prioritise the specific chemicals for SAG-CS to review. During the year SAG-CS issued six new opinions on chemicals of interest. Our work also established an official process for the regulatory management of newly classified carcinogenic, mutagenic and reprotoxic chemicals.

In related work we published the scientific advice from SAG-CS; and incorporated their advice in the drafting and laying the Toys and Cosmetic Products (Restriction of Chemical Substances) Regulations 2022.

National risk-based prioritisation and incident response

Incident Case Handling

OPSS provides national incident response capability on nationally significant, novel, or contentious product regulation issues.

During 2022/23, our Incident Management Team (IMT) handled 369 cases. Of these, 331 allegations and enquiries related to consumer product safety and 38 were in respect of construction products. Four cases required a national incident response under our Incident Management Plan.

They related to insulation products, hot air brushes, gas grills and baby self-feeding products.

These 369 cases involved a wide range of products reflecting the breadth of OPSS remit, and included products from the everyday to more specialised items, with examples including:

- Air fryers
- Exercise treadmills
- Life jackets
- Sunscreen
- Tumble dryers
- Wooden climbing frames
- Flame retardant paint
- Nail polishes and gels
- Roofing battens
- Structural steel

Gas Grills: National Incident Response

Following a suspected carbon monoxide (CO) related fatality of a person and two pets, a Health & Safety Executive (HSE) report identified that high levels of CO were emitted when a gas-fired grill on a Belling Classic 110GT cooker was operated with the grill door shut. OPSS declared an incident in June 2022 and served a Regulation 28 Information Notice on the manufacturer, Glen Dimplex Home Appliances (GDHA), requiring product information, and took possession of the cooker in question. We commissioned testing and worked with the business, the relevant local authority, HSE and the British Standards Institution (BSI) to identify the root cause of the issue and the list of affected products. We undertook test purchases of similar models, and liaised with other manufacturers and distributors of gas grills requesting information on the measures they have in place to negate the risk of CO poisoning.

GDHA identified 66,698 potential customers of a range of affected models. We requested GDHA inform affected customers of the safety issue and the steps they needed to take to operate their appliance safely. The majority of the potential customers were contacted within a few weeks. We served a withdrawal notice under the Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 in respect of three Belling gas cooker models. Further withdrawal notices were served on retailers who were found to be stocking these models of cookers.

We required GDHA to produce a suitable corrective action plan to ensure effective modification of the affected cookers under the Belling, Stoves and New World brands. OPSS issued a news release and Product Safety Report on its website to coincide with the launch of the corrective action programme. GDHA were also required to provide

data on the effectiveness and quality of their corrective action programme, and OPSS monitored new and second-hand marketplaces to identify and arrange for delisting of affected products.

Baby self-feeders

OPSS was alerted to concerns from Lancashire County Council and the Child Accident Prevention Trust about baby self-feeding pillows and prop-feeders, being sold exclusively through online retailers. These products are designed to enable babies to bottle feed with little to no assistance from a caregiver. OPSS triaged the concerns and following a risk assessment concluded that the products were inherently unsafe, presenting a risk of serious harm or death and declared an incident in November 2022. We issued a safety alert in November 2022 to warn of the risk of serious harm or death from these products and amended this in December 2022 to include all baby self-feeding products.

The alert instructed businesses to immediately remove these products from the market as they cannot comply with the safety requirements under the General Product Safety Regulations 2005. It also asked consumers to immediately stop using these products and dispose of them safely. We warned 28 online marketplaces and 3 social media platforms of the risks posed by these products and required that they stop any further supply. We undertook sweeps and test purchases from online marketplaces for similar products and worked with operators to delist products, issuing ten withdrawal notices. Our enforcement teams ensured that 469 products were delisted, removing them from the UK market and served 12 Withdrawal Notices to permanently prevent the supply of these products.

Case study **Raising Awareness**

In addition to our direct interaction with marketplaces OPSS issued a safety alert for baby self-feeder products to warn of the hazards of these products – a message we sought to amplify through our networks. The alert generated extensive media interest and was widely disseminated, by the Child Accident Prevention Trust (CAPT), the Royal Society for the Prevention of Accidents (RoSPA) and other children related trusts and associations. CAPT reported that they had 700,000 views for their post on Facebook with 27,000 responses to the post

and 6,600 shares – this was their second highest reach ever and their highest ever recorded level of engagement. OPSS' social media posts on the matter have been our most successful to date – with almost 60,000 views on Twitter and 300,000 on Facebook. OPSS also used its networks with the Department for Health and Social Care (DHSC) and NHS contacts to disseminate the message directly to relevant networks including neo-natal services.

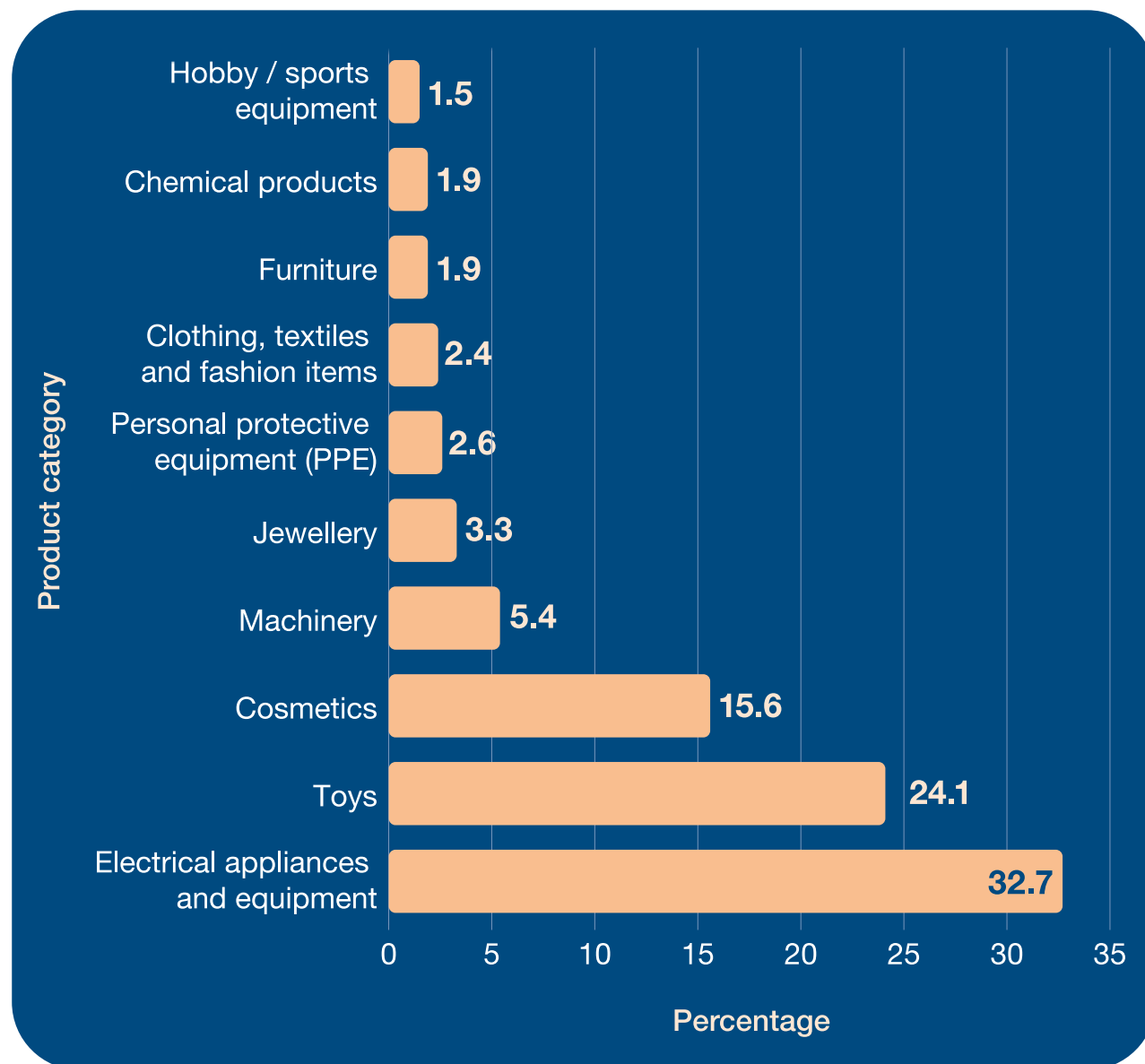
Cosmetics compliance – Serious Undesirable Effects

A Serious Undesirable Effect (SUE) is one in which the normal or reasonably foreseeable use of a cosmetic results in temporary or permanent functional incapacity or harm. Responsible persons and distributors are required to report SUEs resulting from the use of cosmetics to OPSS. 86 notifications were reported, logged and triaged, contributing to our intelligence pool and helping inform proactive market surveillance and investigations.

Sharing product safety information

The OPSS Product Safety Database (PSD) is the notification system used by local authorities, certain national regulators, and OPSS enforcement teams to share information on unsafe and non-compliant products. OPSS received and processed 2,814 product safety notifications via PSD.

Figure 1: Ten most frequently notified product categories on PSD 2022/23



We launched a system designed to make information from PSD regarding unsafe products and recalls more easily available to business and the public, providing search and free email update facilities. Of the notifications received by OPSS, 640 were subsequently published on the new system as they involved higher risk notifications or product specific recalls and corrective actions.

During the year we also worked with international regulators and partners on unsafe products as part of the data sharing agreements and broader regulatory cooperation, with over 120 instances of engagement. All recalls published on the UK's Product Safety Alerts, Reports and Recalls system were published on the OECD Global Recall portal.

Enforcement and market surveillance

Through reactive product safety enforcement OPSS worked to protect the public from novel products with the potential for harm, whilst proactive market surveillance work based on evidence and intelligence, ensured a level playing field and gave businesses the confidence to grow.

Product safety projects investigating novel products included mermaid tail swimming costumes, where a number of labelling issues were identified. Of 15 products purchased, only four were properly labelled, creating a significant risk for wearers. This led to the removal of 133 listings online.

We conducted an exploratory project in the cosmetics sector, which highlighted issues with a range of products including sunscreen and children's cosmetics. Issues highlighted were around ascertaining authorised representatives

in the UK, ensuring that both Product Information Files and submissions to the UK Submit Cosmetic Product Notification system were in place.

Industry concerns around potentially non-compliant domestic heating circulator pumps being made available in the UK were brought to our attention by local authorities. Follow-up inspections revealed non-compliance in over 85% of the circulators. De-listing of 38 models followed, disrupting the supply chains of these products. Work in this sector will continue in 2023/24.

Ecodesign and energy labelling

The number of products covered by ecodesign and energy labelling regulations continued to increase, with further products coming within scope, including welding equipment and solid fuel local space heaters. We worked closely with industry, contributing to events and communications to raise awareness and to support compliance.

Concerns were raised by trade bodies with respect to their members' ability to achieve compliance based on issues such as the speed of the legislation coming into force and supply chain issues. We worked with DESNZ to achieve pragmatic approaches to these challenges, for example by facilitating their review of the regulations and testing specifications for UltraHD electronic displays.

Amongst the surveillance projects we undertook was the review of technical documentation and test purchasing where appropriate. The majority of products passed testing, indicating that manufacturers are delivering on the policy aims to reduce energy usage, contributing to the government's net zero strategy. However, during this process, a number of products raised concerns around the quality of technical documentation required for compliance, and these were followed up with manufacturers.

In response to industry concerns, work was undertaken examining outdoor equipment subject to noise emissions regulations, particularly focusing on compactors. We found high levels of compliance in the subject products, other than some labelling issues. The labelling requirements were followed up with the relevant businesses, helping those businesses into compliance.

Ensuring product safety at the border

Border Profiling

Detecting unsafe and non-compliant products at the border forms part of our enforcement response to protect consumers and support businesses that invest in compliance, by disrupting the supply chains of those that import unsafe and non-compliant products.

OPSS funded local authorities to undertake targeted interventions at the UK's strategically significant points of entry for products. Our Border Profiling Unit developed and assessed intelligence, risk and import data to detect high-risk consignments and made referrals to local authority teams working at the UK's strategically significant points of entry for products. These teams inspected goods and worked with businesses and HMRC to prevent non-compliant and unsafe goods from entering the UK. Where appropriate, OPSS and its regulatory partners followed up to ensure similar unsafe goods were not subsequently being imported or placed on the market elsewhere. Intelligence-led consignment checks made by these teams resulted in inspection of over 18m products at the border, with 10m refused entry to the UK (55%). These included unsafe or non-compliant toys, electrical goods, personal protective equipment and cosmetics.

In early 2023 the OPSS borders team deployed to Colchester, where intelligence identified a logistics company that was handling potentially unsafe imported products. OPSS officers conducted checks to assess the safety and compliance of products including electrical items, toys and machinery. As a result, 3,635 products were inspected, 2,337 (64%) of which did not to meet UK regulatory requirements. These were prevented from entering the UK market and destroyed. We identified the same non-compliant products for sale via online platforms and ensured their withdrawal from the UK market. The importers involved were warned of the consequences of not complying with UK safety regulations and were given advice on how to ensure future compliance.

Case study **Unsafe electrical heaters**

OPSS works closely with border authorities to ensure unsafe products are removed from the market. One case concerned unsafe electrical heaters, with over 300 heaters detained at the Port of Felixstowe as a result of an OPSS referral. Acting on the intelligence, Suffolk County Council Trading Standards intercepted the consignment.

Subsequent testing discovered the products posed a serious risk of electrocution due to live and hazardous parts being accessible to touch. The supply voltage requirements stated on the heater were also incompatible with the UK power network. These products were due to be sold online but as a result of the intervention never reached the market.

Multi-agency work beyond the border

Working closely with local authority trading standards teams, OPSS inspected multiple fulfilment houses to check products for safety and compliance. Fulfilment houses play an important intermediary role, primarily for imported goods purchased through online marketplaces. A range of non-compliant products were traced to fulfilment warehouses. OPSS, working in collaboration with local authority Trading Standards teams, detained 407 products which were quarantined and subsequently destroyed. Supply chain intelligence was key to the intervention, enabling action to change business behaviour and improve compliance rates whilst helping target future operational deployments.

Our work included a multi-agency operation to tackle non-compliance at a particular fulfilment warehouse in the West Midlands following repeated referrals from local authority trading standards teams. The regulators involved included the Intellectual Property Office, HMRC and Staffordshire County Council Trading Standards. Inspections were conducted throughout the year; each inspection helped build an intelligence picture of the business model of the fulfilment house.

Regulatory guidance and advice was provided by all regulators where non-compliance was identified, in an escalating approach to enforcement. Follow up inspections are planned to test whether compliance has improved. During the multi-agency operation at the fulfilment house the brand Vevor repeatedly came to the attention of OPSS due to the significant number of products that pose serious risk identified under this brand.

Enforcement work was undertaken to require affected products to be recalled from the market.

Disrupting international supply chains of unsafe products

Modern supply chains enable foreign businesses to supply products on the UK market without being established in the UK. OPSS worked with Suffolk County Council Trading Standards to trial a new approach at Felixstowe to managing compliance risks for imports where the importer is not physically present in the UK. This trial simplified the options open to importers, and enabled faster destruction of unsafe products, whilst providing efficiency gains for compliant businesses through agents releasing their goods more quickly.

Case study **Single consignment impacts**

Supported with funding from OPSS, trading Standards Officers from Suffolk County Council inspected one consignment that contained 150 play tents that could have injured children playing in them, 240 nail dust collectors that had unsafe wiring and plugs, and 130 unsafe wood trimmers that had counterfeit plugs which could fail and cause electrocution. The importer was unable to provide the required technical safety documentation for the products, which resulted in them being denied entry into the UK and subsequently destroyed. The importer was given regulatory advice about the requirements of UK law. Information about the products has been shared nationally and internationally to protect consumers in the UK and across the world.



Construction Products

Capacity and capability

OPSS continued to develop its construction products regulatory capability and capacity. We created new oversight arrangements to ensure the effective delivery of the construction products programme, establishing joint governance with the Department for Levelling Up, Housing and Communities (DLUHC) who own policy in this area.

For construction products our primary aims are to:

- Prevent construction products posing a safety risk from entering the market;
- Respond quickly and effectively to unsafe construction products placed on the market;
- Educate and inform industry, helping to influence their decision-making;

- Raise public confidence that construction products will perform as intended.

We undertook market surveillance and oversight activities and supported local authority trading standards teams in dealing with cases so that safety concerns could be identified and dealt with promptly. We enforced the regulations, including removing from the market products that posed a safety risk. We provided advice and support to industry to improve compliance, technical advice to government; and we commissioned product testing to investigate non-compliance.

Through strong collaboration with DLUHC we became able to use the Secretary of State's powers to enforce the Construction Product Regulations 2013.

These enable OPSS to deal with non-compliant construction products within existing legislation whilst we continue to support DLUHC in development of a new regulatory framework.

We built capability and capacity in market surveillance, testing, engineering, regulatory practice, and enforcement. We developed our knowledge and understanding of the sector through training, stakeholder engagement, supporting local authorities and taking regulatory action. We launched a range of market assessment research projects and developed working relationships with key stakeholders and other regulators including the Building Safety Regulator (BSR). We developed in-house capacity and capability for construction products regulation via product testing at our laboratories in Teddington.

Proactive Market Surveillance

Our enforcement priority was to provide effective regulation of construction products through targeted market surveillance, following the recommendations of the Hackitt Review. Our approach emphasised drawing upon our established stakeholder relationships, and market research to identify where significant market issues and product risk may exist.

We identified six market surveillance priorities to form the focus of our activity, which were: smoke control dampers, fire doors, plywood, cladding and insulation, electrical cables, and cross-laminated timber. We used our analysis to inform the development and implementation of a range of regulatory interventions to tackle current issues whilst measuring our impact. As an example, stakeholder concerns regarding fire doors, combined with our own analysis, identified multiple potential issues.

These issues included the adequacy of product information as well as real-world performance. To address these, we undertook inspections at four manufacturers of UKCA-marked external fire-resisting door-sets and reviewed technical documentation. We found a consistent lack of understanding of the requirements of construction product regulations, and issues with the accuracy of both technical and commercial documents, relating to Declarations of Performance, product labelling, and supply of documentation. We also identified a number of minor non-compliances in relation to factory production control. These non-compliances were assessed as low risk and we worked with each manufacturer to bring products into compliance.

Reactive enforcement

OPSS has supported local authority trading standards in their own investigations of construction products, by providing technical support, training, testing and capacity building. This included providing full technical engineering reports to local authorities relating to products including manhole ladders, and road barriers. We provided advice on 34 occasions to local authorities in relation to enquiries involving insulating paint, concrete, steel and requests for support interpreting the regulations and standards.

Online marketplaces

Enforcement action

OPSS analysis indicates that consumers do not have as much confidence that products will be safe when purchasing through internet platforms as they have when shopping on the high street.

Taking action to ensure consumers are safe when shopping online remained a priority amid a rise in the use of online marketplaces and increasing evidence of non-compliant and unsafe products being sold to UK consumers through them, including by third party sellers. We provided advice to consumers and local authorities and outlined expectations of businesses, as well as undertaking a programme of testing and enforcement.

We continued our regulatory engagement with senior representatives from several online marketplaces, providing evidence of the ease with which we were able to purchase unsafe products sold on these platforms. These meetings enabled us to share data, voice concerns and outline our expectations of online marketplaces for keeping consumers safe. It also enabled us to require companies to take action including where products were still available that had been notified as unsafe in previous years.



Case Study **Online regulation – hot air brushes**

OPSS received a referral from Leicestershire County Council Trading Standards in April 2022 about One Step Hot Air Brushes, which was identified during their ports work at East Midlands Airport and destined for Amazon fulfilment houses.

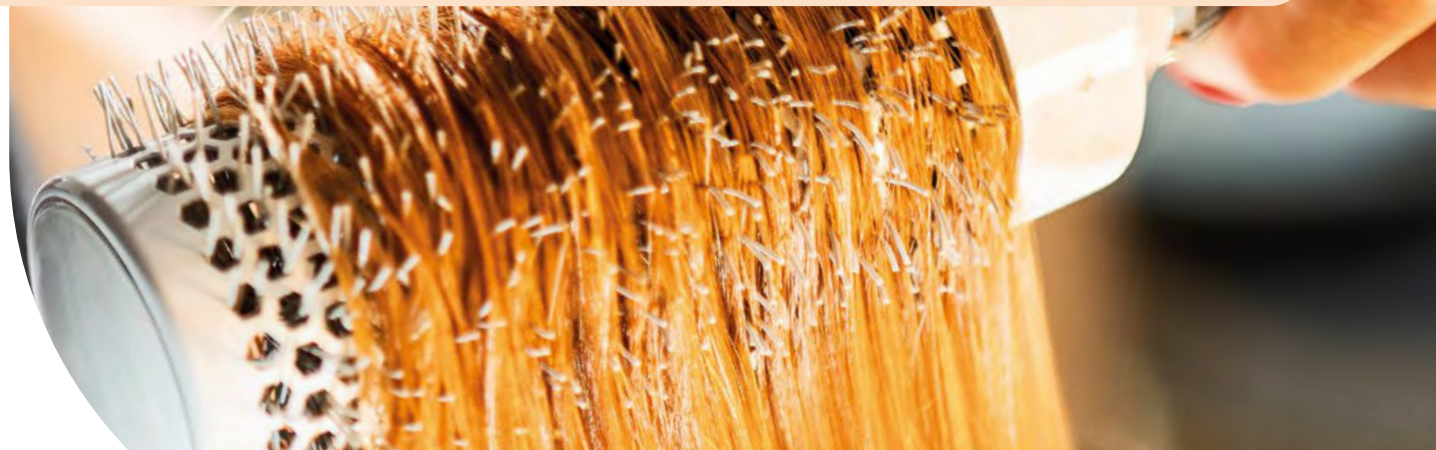
Those products had repeatedly failed safety tests and been notified to the Rapex EU Safety Gate in July 2020 as a serious risk product. Amazon had also been notified of those failures and asked to remove listings via its Primary Authority.

In May 2022 our online regulation team identified eleven suspect products still available through Amazon.

Following test purchase and testing all eleven samples failed to meet the safety and regulatory requirements, and the risk assessment identified the product as high risk. In addition to non-compliant labelling and instructions, there were significant safety failings that included user access to live parts, fire risks where the air flow is restricted, and overheating/burns risks from non-compliant or counterfeit fuses and plugs.

Amazon were notified of test results and requested to take corrective action, and by the following day all 11 product listings had been

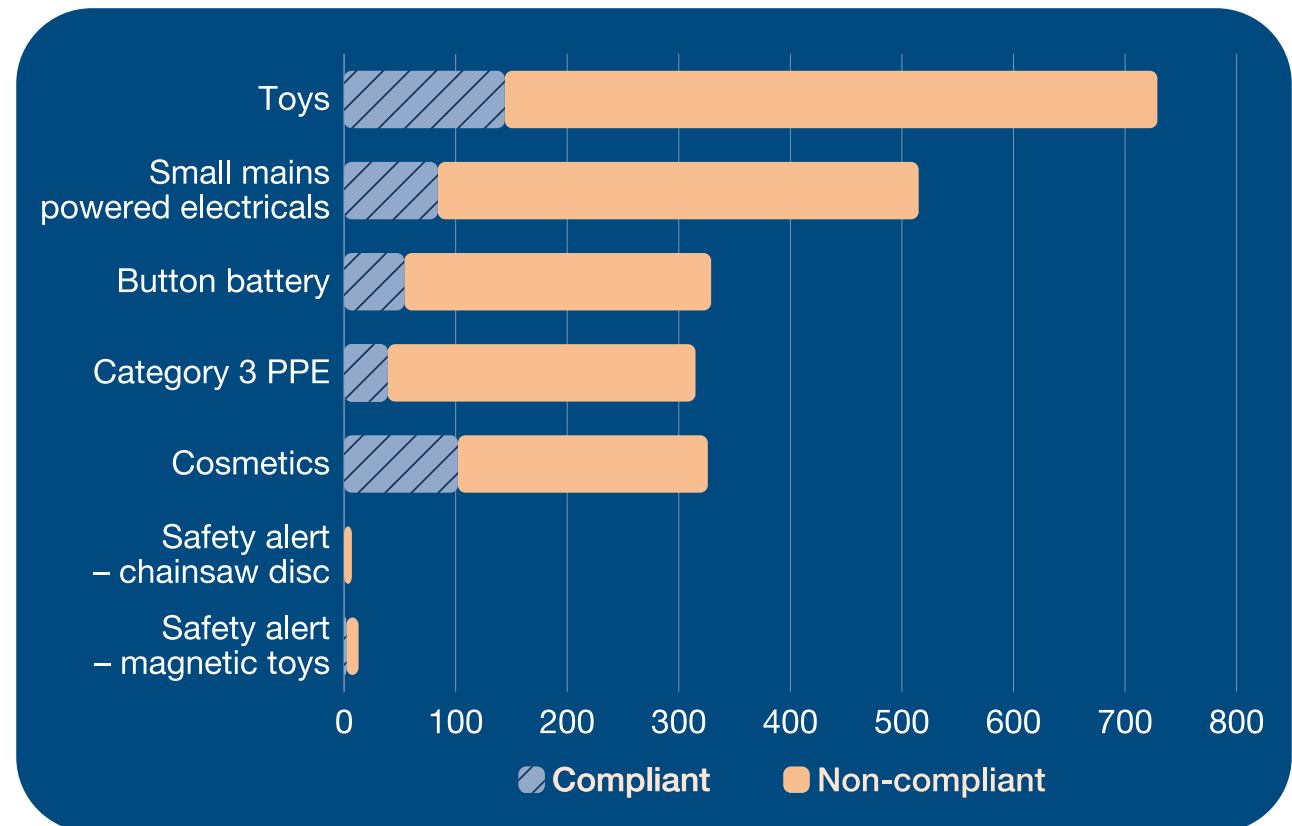
suppressed on their site. OPSS updated the Unsafe Product Recalls and Alerts website with details of the dangerous products, and Amazon began contacting consumers to recall the products. We also issued a product safety warning to alert consumers to the hazards posed by this product. Continued surveillance identified over 450 individual listings for these products across multiple online platforms, and all these listings were removed.



Online marketplaces test programme

During the year we completed a programme of targeted test purchasing (this programme started in October 2021), including high-risk products such as toys, electrical and electronic equipment, personal protective equipment, and cosmetics. We purchased 2,260 products sold by major online marketplaces via third party sellers and identified that 1,832 (81%) were non-compliant. As the programme targeted products with suspected areas of risk, these findings cannot be generalised to a national level. A breakdown of this data is shown in the chart below, and the full findings of the research were published in August 2023. All instances of non-compliance were followed up proportionately; either by providing advice and guidance, serving withdrawal or recall notices, requiring online marketplaces to remove product listings, or by suspending domain names.

Figure 2: Compliance of products purchased from online marketplaces by product category, October 2021 to September 2022



Energy and alternative fuels

Gas and electricity metering

OPSS protects consumers from economic detriment, making sure they get what they pay for, by ensuring the accuracy of gas and electricity meters used for billing purposes. We lead the national In-Service Testing (IST) scheme, a statistically based scheme designed to verify the in-service accuracy of meter populations. Meters are sampled at regular intervals throughout their life and OPSS collates the results nationally and assesses performance. IST testing was undertaken on 23 different meter types with 2,162 meters being removed from service and tested at an approved IST test station. These samples represent an installed population of 5.1 million meters, providing confidence to consumers that they will be accurately billed for the gas and electricity supplied.

In addition to the IST scheme, OPSS provide the statutory service for testing gas and electricity meters where the accuracy is disputed. OPSS appointed examiners to undertake the independent testing of around 1,000 meters, where consumers had concerns about accuracy that could not be resolved with their energy supplier. The number of tests requested represents a 27% increase on the previous year, which may be driven by the impact on consumers of rising energy prices. The overwhelming majority of these tests found that the meters were operating within prescribed limits for accuracy. The results of the dispute tests are notified to the customer, the energy supplier and the meter owner. Where a meter was found to be outside the legal limits, the energy supplier was obliged to rebill the consumer accordingly.

We also approve and certify electricity meters in Great Britain.

We approved the design of one new industrial electricity meter and worked with energy suppliers to sample and then extend the certification period of another meter type. Certification is a legal requirement for the majority of electricity meters and this work enabled almost 20,000 meters to remain in-service, avoiding the cost of unnecessary replacements, whilst still ensuring consumers are billed accurately and fairly.

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 heat suppliers to submit a notification including relevant information on the size and nature of the network at least every four years. The team processed over 600 notifications and feasibility assessments and dealt with 685 enquiries. OPSS is responsible for enforcing aspects of the Energy Bill Relief Scheme (EBRS), introduced in November 2022 in response to the unprecedented rise in energy prices. These regulations require heat suppliers who receive energy price support under EBRS, to pass these benefits through to heat network customers.

Electric vehicles and fuel labelling

OPSS is supporting the transition to electric vehicles by enforcing the legislation covering public and private electric vehicle charge points. Working closely with the Office for Zero Emission Vehicles, and with business,

OPSS supported net-zero ambitions and consumer confidence through providing guidance and oversight of electric vehicle charging infrastructure, supporting the safety and accuracy of domestic and public charge points.

The Alternative Fuels Infrastructure Regulations ensure publicly accessible alternative fuel infrastructure for road transport complies with technical specification and customer experience standards. OPSS undertook 650 inspections covering a range of city centre, urban and rural locations. The Electric Vehicles (Smart Charge Point) Regulations came into force during 2022 and require charge points sold for the private charging of vehicles to meet certain device-level requirements. A business that is not compliant with the regulations may propose an Enforcement Undertaking to OPSS. This is a commitment to take specific actions within a specified timeframe in order to address the non-compliance.

During 2022/23 37 manufacturers and 64 resellers offered a total of 139 undertakings to bring their products into compliance where OPSS had identified issues.

We provided advice on complying with the regulations, with 2,500 email interactions with businesses and participation in over 120 meetings, including five round tables with relevant Trade Associations and three public stakeholder events.

We also enforce the Alternative Fuel Labelling Regulations which require motor vehicles and refuelling points to be correctly labelled. Alternative fuel provides a partial substitute to fossil oil and reduces the environmental impact of transport. Correct labelling facilitates ease of access to alternative fuels and provides consumers with a clearer understanding of their availability.



Reducing environmental impacts

OPSS is responsible for the enforcement of a range of product related regulations to reduce pollution and support recycling of electronic and electrical equipment, batteries and end of life vehicles.

Batteries Placing on the Market

These regulations enforced by OPSS apply to importers and manufacturers of batteries and accumulators, placing limits on the use of certain materials and specifying labelling and accessibility requirements. We focused on investigations into the labelling conformance of lithium-ion batteries and capacity labelling of automotive batteries. Twelve business visits were conducted, formal warning letters were issued during each visit and producers voluntarily removed 2,000 non-compliant products from sale.

A further twelve formal warning letters were issued to lithium-ion sellers which resulted in nine voluntary withdrawals and three active cases that continued during 2023/24.

We also continued our investigation into a significant battery producer following a multi-agency operation in August 2022. During this work we identified areas affecting our ability to undertake prosecutions. We are in discussion with Defra to consider how this could be incorporated into any future battery legislation reviews.

We continued to work with Defra colleagues on the EU Battery Regulations and the potential implications for enforcement in Northern Ireland, and shared proposals on how OPSS may support these regulations working alongside other regulatory agencies should they be implemented.

Waste batteries and accumulators, industrial and automotive batteries

By March 2023, 518 battery producers were registered on the National Packaging Waste Database. This represents an increase in compliance within the last 12 months by 20 additional producer registrations.

451 data submissions were completed for the most recently completed compliance period, which represents a year-on-year increase of 13 (2.9%) and a compliance rate of 93%. 20 warning letters were issued to producers for late data submissions. Of these, 10 producers were brought into compliance. The 10 remaining producers have been prioritised for assessment and intervention during 2023/24 due to prior history of non-compliance. A revised communications approach for the latest compliance period has been

very successful with an increase of over 100 submissions made prior to the reporting deadline.

Waste portable batteries take-back

OPSS provided advice and guidance to a large national retailer that trades both through physical shops and online with 29 million yearly in-store customers and nearly a billion online visitors per annum. The business was the subject of consumer complaints centred around both shop floor and online chat staff not being fully aware of the regulations and refusing returns from consumers. We agreed an action plan with the business, featuring increased staff training, website updates and in-store posters detailing how to recycle. Since our intervention, complaints have reduced dramatically in this period, with only one complaint which was specific to one branch.

Restrictions of the Use of Certain Hazardous Substances in EEE (RoHS)

These regulations control the levels of certain hazardous substances contained within electrical and electronic equipment. They apply to manufacturers, importers and distributors and require appropriate documentation, conformity assessments and labelling. Six major investigations were undertaken in 2022-23, including cases with two national retailers, which resulted in the issuing of six warning letters. A further 18 cases were investigated with a further six warning letters issued. The overall outcome was a complete overhaul of three national retailer 'in house' compliance programmes and a significant improvement to a further 10 compliance programmes. We have actively engaged with more than 53 businesses, through addressing enquiries, notifications and case work or projects.

The outcome of these interventions has been the improvement of internal compliance programmes of national retailers, UK importers and distributors. We also investigated and concluded 21 Statutory Notifications from businesses of non-compliance involving over 63,874 products, of which 40,800 (63.8%) were non-compliant and have been removed from the UK market.

OPSS worked with an expert testing facility RINA Tech Ltd to develop the process by which serious risk to the environment may be established through risk assessment as a precursor to the issuing of a recall notice under the regulations. This is an innovative approach to create capability where none previously existed across market surveillance authorities in Europe.

Waste Electrical and Electrical and Electronic Equipment (WEEE)

OPSS enforce the requirements for businesses selling electrical and electronic equipment to takeback any such waste products from consumers. We offered advice and guidance to businesses, undertook business visits, and enforcement activity of WEEE regulations, as well as using our networks to inform distributors (retailers) of their obligations and the measures they need to take to comply.

Under the Regulations businesses can operate a Distributor Takeback Scheme, which allows certain businesses to be a paid member, enabling them to comply with the legal requirements. During the year we completed the Distributor Takeback Scheme Phase 5 project, achieving a success rate of 81% when intervening with 313 in scope businesses who were brought into compliance.

12 retailers that failed to respond to our communications were visited, resulting in 11 complying and one confirmed as no longer operating.

We collaborated with Material Focus to contribute to their 'Recycle Your Electricals' targeted awareness-raising campaign and to develop a retailer toolkit. There have been over 200 downloads of the retailer toolkit and over 226,860 visits to their website in this period. There were 19,040 hits on the WEEE regulation page, an increase of 33% from the previous year. This demonstrates that our efforts to raise awareness have had a positive effect, ensuring that retailers are aware of their obligations and consumers are aware of their takeback options.

Case study **Single Use Vapes**

Action on Smoking and Health indicates that around 4.3m adults in Great Britain used some form of vaping product in 2022, a near fivefold increase since 2012. Research by Material Focus concluded that 3 million single use vapes are binned every week, wasting recyclable materials and increasing the risk of battery fires in waste. Whilst easy to use and inexpensive, they are relatively complex multi-component products subject to the WEEE and RoHS regulations that should be recycled through appropriate facilities.

In the last year OPSS stepped up its work on compliance of single use vapes. We initiated a small test and purchase programme of ten representative products. No prohibited substances were found but all failed on a range of labelling and compliance issues. We identified very low levels of awareness amongst smaller retailers of their distributor obligations.

We collaborated with regulatory partners including Defra, Environment Agency, Scottish Environment Protection Agency, Natural Resources Wales, Medicines and Healthcare products Regulatory Agency (MHRA), and trading standards across Britain. We engaged with Material Focus, vape industry associations, retailer trade associations representing over 33,000 retailers, and importers to understand the supply chain and identify solutions to bring businesses into compliance. We deployed advice, guidance and information through the networks of the British Retail Consortium, and the Association of Convenience Stores (ACS) along with their Primary Authority, and supported the development of guidance published on the ACS website. This work continued into 2023/24 with positive engagement across the supply chain and from major vape manufacturers.



Supply chain environmental compliance

Timber

OPSS implements and enforces the UK Timber Regulations (UKTR) and the Forest Law Enforcement, Governance and Trade Regulations (FLEGT) on behalf of Defra. These regulations are designed to ensure harvesting practices are legal, encourage sustainable harvesting and support global forest governance. We undertake direct enforcement, awareness raising activities, testing and evidence handling, and FLEGT licence verification.

We work to an operational plan agreed with Defra, and initiated new investigations with 36 companies, issued 8 Notices of Remedial Action, sent 9 informal advice and guidance letters, resolved 70 UKTR enquiries,

processed 4,345 FLEGT licences, resolved 135 FLEGT enquiries, and our timber regulations web pages received 6,440 visits.

We continued to work closely with Defra to examine opportunities to improve enforcement of the FLEGT legislation, as well as providing suggestions as to how regulations could be streamlined without hindering trade. Drawing on our operational experience, OPSS supported Defra with policy development for enforcement work related to the Environment Bill for Forest Risk Commodities and Mandatory Recyclability Labelling of Packaging.

During the year we agreed a re-prioritisation from the operational plan with Defra to support UK sanctions relating to events in Ukraine. We worked to ensure timely and accurate advice to British businesses to enable compliance.

We also changed the scope of a project originally investigating the whole plywood sector to identify if Russian and Belarussian timber was being attributed with a false country of origin and imported into the UK from nations bordering the sanctioned countries. These investigations have continued into 2023/24.

As part of our commitment to increase awareness and improve compliance levels we produced a short video as an accessible and quick way to help business identify if they are in scope of UKTR and what their obligations are. This was supported by updates to the due diligence tool OPSS offered as guidance to businesses.



Access and benefit sharing

OPSS enforces the UK's Access and Benefit Sharing (ABS) regulations on behalf of Defra who hold policy responsibility for the Nagoya Protocol (Compliance) Regulations. The team investigated 14 new organisations, continued inspections with 12 other organisations from the previous financial year, resolved 32 ABS enquiries and conducted an awareness raising webinar. We made significant progress with efforts to improve efficiency in identifying organisations in scope of the UK ABS Regulations, established a revised protocol for sharing information with government departments, and agreed a process for escalating issues to Defra.

At the request of the FCDO, OPSS attended UN negotiations for United Nations Conference on the Law of the Sea, to negotiate the new implementing agreement on the conservation and

sustainable use of marine biological diversity in areas beyond national jurisdiction. The government webpage for ABS received 2,090 views for the year, an increase of 10% on the previous year, indicating growing awareness and interest in the requirements of UK ABS legislation.

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

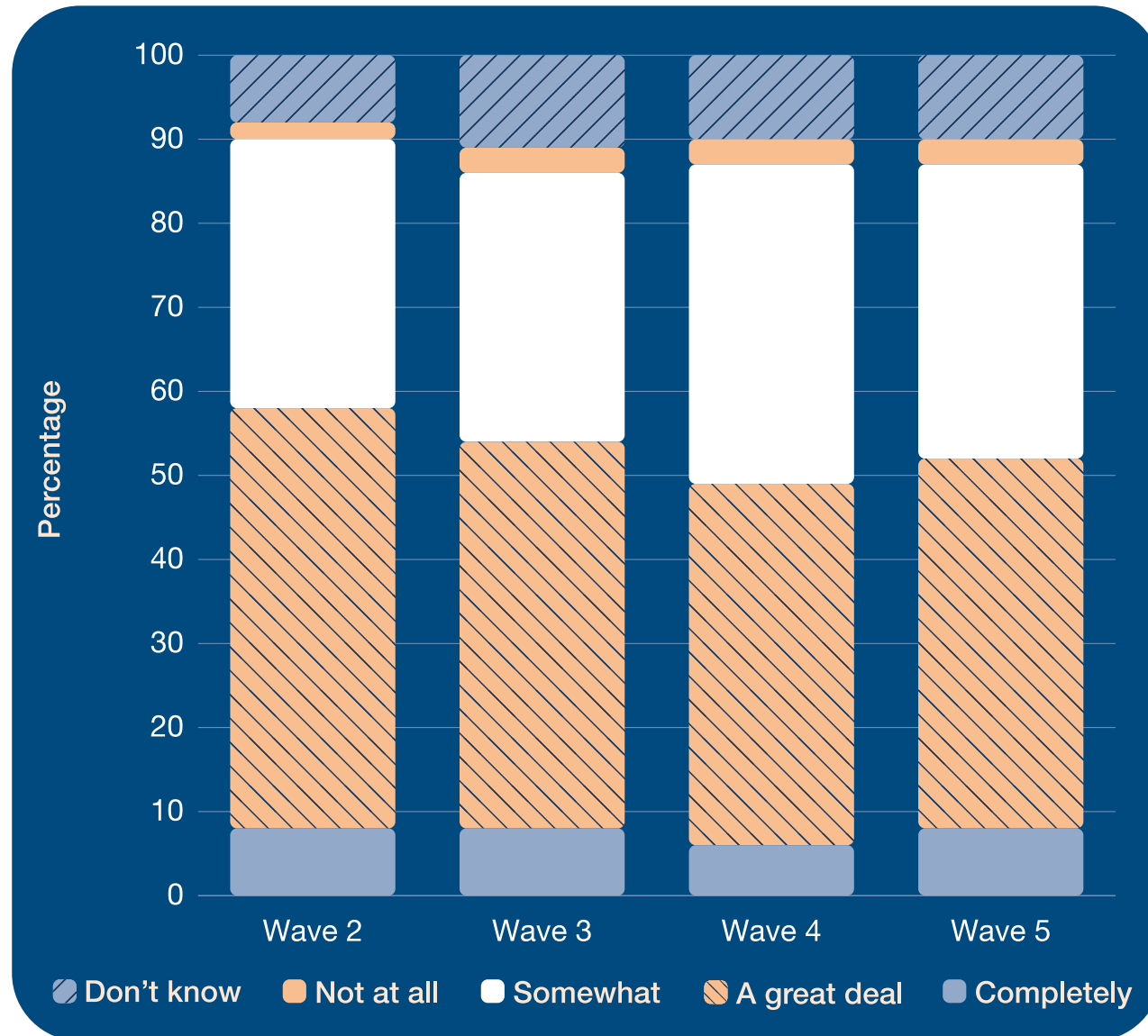
OPSS puts protection first and works to place consumers at the centre of product regulation, listening to them, ensuring their different needs are accounted for, particularly those that are most vulnerable. From policy through to enforcement, and through engagement and communications, we aim to make regulation work for all consumers.

Consumer Research

Trust in the UK product safety system

OPSS conducted ongoing research on consumer attitudes to product safety. Our most recently published research highlighted differences in perception of product safety matters across different groups. It showed that 52% of the UK public feel the UK's system for regulating the safety of products, completely or to a great deal, ensures that the products they buy are safe.

Figure 3: Consumer views on the extent that the UK’s regulatory system ensures that products are safe



Q: To what extent do you feel that the UK’s system for regulating the safety of products ensures that products you purchase are safe?

Base: All respondents

W2 = 10,296

W3 = 10,187

W4 = 10,156

W5 = 10,182

There are consistent differences between responses from different age groups, with older people more likely to feel that the UK system for regulating product safety is able to ensure product safety ‘completely’ or a ‘great deal’, peaking at 55% for 50 to 64-year-olds. The research indicated that 60% of respondents were aware of OPSS, and 34% reported that they knew something about the organisation and its work. Half of those aware of OPSS (50%) trusted OPSS.

Trust in suppliers

Trust in suppliers showed a decline compared with previous surveys, and material differences between groups of retailers, with online marketplaces seen as significantly less trustworthy. Retail outlets have a high level of trust, with second-hand shops most likely to be seen as trustworthy (65%), and over half of the UK public also feel that physical store retail outlets and online retail outlets are trustworthy (56% for

physical outlets, 53% for online outlets). Online marketplaces are seen as less trustworthy, with 42% feeling they’re trustworthy and 35% saying they are neither trustworthy nor untrustworthy.

Consumers consider a number of factors when purchasing goods. The safety of the product ranked 10th out of 15 factors presented to people who had bought products recently, with 9% identifying it as a priority (top 3) and 92% not identifying safety as a priority. As with previous waves, consideration of product safety varied across product type, increasing when purchasing baby products (29%) or toys (17%), and by demographic, with almost twice as many over 65s identifying product safety as an issue compared to 18 to 29-year-olds.

When purchasing a product, product safety ranked ahead of environmental impact, running costs and warranties, but behind price, brand name, online reviews and speed of delivery.

Engaging with consumers

Consumer Reference Panel

OPSS’ Consumer Reference Panel meets quarterly, bringing a range of consumer bodies together with OPSS to gain insight and provides a consumer perspective and challenge on the work that we do. The panel provided stakeholders with an opportunity to share work that they are doing in areas covered by the remit of OPSS, and to raise emerging issues. Membership of the panel includes RoSPA, BSI Consumer Forum, Child Accident Prevention Trust, Citizens Advice (England & Wales), Consumer Council Northern Ireland, Advice Direct (Scotland), Chartered Trading Standards Institute, Electrical Safety First, Shaw Trust, Disabled Living Foundation, and Which?

The panel discussed a wide range of OPSS policy and regulatory matters impacting on consumers, including: tackling the availability of unsafe products sold online, consumer safety messaging, the risks associated with products containing lithium-ion batteries (e.g. e-bikes and e-scooters); safety of baby sleep products and other products causing risks to young children and cost of living issues, such as metering concerns around heating oil supply.

Delivering through our networks

OPSS worked with and funded partner agencies to maximise the reach of our consumer messages. This included work with large, nationally recognised charities such as Citizens Advice, local authorities and with smaller organisations with shared interests such as Consumer Friend, and the Bolton Deaf Society. These relationships enabled us to utilise their networks and communicate product safety

messages through a broader range of media including podcasts, video and social media. Another example of effective leverage was our use of a paid editorial with Netmums on the issue of button batteries. This original article had 14,686 views, which then generated 113,670 related stories and posts across Facebook and Instagram, and editorial links generated 718,514 impressions. Other examples of our use of networks included:

- RoSPA's work to update online information resources including the heavily viewed resources on baby slings, fireworks, blind cords, trampolines and button batteries, with over 57,000 page visits across those categories.
- CAPT's work to raise awareness on risks to children associated with button batteries, high powered magnets, and other safety hazards. CAPT wrote to 14,000 community

practitioners and ran webinars to educate and empower them to run sessions directly with parents and carers in their localities, producing posters and factsheets on button batteries in 15 languages to support the sessions. The CAPT website received 16,000 unique page views across all safety topics and their social media had a total reach of 295,375.

- The Chartered Trading Standards Institute's (CTSI) project with Salford Council, working in an area of multiple deprivation to understand consumer experiences of buying unsafe products, to test out the use of posters in 8 languages, sharing the learnings through the CTSI conference.



OPSS Consumer Plan

We finalised our Consumer Plan, which formalises how OPSS engages with consumers, how we will target our work, where we have identified that consumers could be most vulnerable and how we will continue to build our understanding of our consumer reach and impact. We published information on GOV.UK and shared specific safety messages widely to inform citizens about product risks and action they can take to mitigate these. Through our consumer research programme, hearing citizens' voices in relation to our regulatory responsibilities and their experience of buying and using products, enabled us to understand those who are most at risk.

We received information, both directly and indirectly, from consumers on safety issues. Where appropriate, we directed consumers to other relevant bodies to deal with product safety and legal metrology complaints, such as

local authority trading standards or Citizens Advice. We work with these organisations to improve clarity about how and where consumers report issues, and to ensure that we in turn receive reports of the most useful data.

The Consumer Plan aims to improve our identification of those who may be at increased risk, to develop our reach through engagement with diverse consumer bodies and networks, including those who are less well heard through traditional channels. It will ensure that consumer vulnerability and consumer diversity considerations are firmly embedded in all work across OPSS.

Delivering our messages

OPSS communications support its own and wider government aims, objectives, and ways of working, through clear, consistent and accessible public information.

We raised public awareness about potential hazards to children associated with swallowing small magnets, button batteries, loose/small toy parts, and imitation food. We worked with partners to share our safety assets and messages on social media and 2.5 million individual Twitter accounts viewed our content.

We produced visuals and messages to raise public awareness about potential hazards associated with toys and electrical products, including eye catching templates to publicise product recalls on social media. A single Facebook post advising the public that a particular ball toy presented a chemical risk reached 96,660 accounts. Other social media and internet messaging included products like baby self-feeders, angle grinder toothed blades, and hot air hairbrushes.

OPSS GOV.UK Website

Through the GOV.UK website, we provide guidance specific to consumers, businesses, and regulators; and aid understanding of what we do. Analytics showed we had over 1.8m page views, with 269,000 files downloaded.

There was a big increase in the usage of our product safety and metrology guides following re-publication in more accessible formats. We launched our official list of product recalls and alerts, on GOV.UK to help the British public, businesses and consumer groups identify unsafe products. Across the year we published 10 research reports, covering subjects such as recycled materials in consumer products, the testing of vape batteries, and the safety of smart domestic appliances.

Objective 3 enabling responsible business to thrive

OPSS continues to build upon its relationships with business and organisations across our policy and enforcement remit and to explore further opportunities to collaborate more widely.

Business Engagement

Business Reference Panel

Our quarterly Business Reference Panel continued to facilitate productive dialogue between government and business organisations, with themes including: Trade Agreement Implementation and Market Access, the EU TCA & Goods Regulatory Practice, Retained EU Law & Windsor Framework, Digital Identity Policy, UKCA Marking, REACH, Online Safety, Futures Research, and Digital Markets, Competition and Consumer Reform. The Business Reference Panel now constitutes over 220 member organisations, covering a cross-section of UK industries.

We also held a number of reference panel meetings specifically to engage small businesses, these events included risk assessment, the Product Safety Review, and electric vehicle charging regulations.

We established a new Business Accountability Forum that will meet twice a year for external organisations to inform and scrutinise our policies and practices and provide accountability to those that we regulate. The inaugural meeting took place in December 2022. We continued to review our challenges, appeals and complaints mechanisms as well as preparing for the appointment of an external reviewer whose purpose will be to scrutinise our policies, with the aim of identifying potential improvements.

Having launched the PAS 7050 – Bringing Safe Products to Market early in 2022, we sponsored the Chartered Trading Standards Institute to develop complementary business guidance on their Business Companion website.

They ran an awareness campaign to further promote the PAS, and hosted 10 webinars for businesses, providing CTSI accredited training for attendees and generating positive feedback.

The British Toy & Hobby Association, Baby Products Association, and British Retail Consortium, were important partners in our work on baby self-feeding pillows, helping raise awareness amongst toy and nursery retailers, and with international counterparts. We continued to benefit from their expertise in the toy sector, with their concerns feeding into our online marketplaces programme, as well as assisting our understanding of emerging trends in their sector.

Construction products stakeholder engagement

Our construction products team worked to support business compliance in the construction products market.

We increased our engagement with trade associations, local authorities and businesses at leadership and professional levels. This enabled us to gather input and stakeholder views on the key challenges in the sector whilst building effective working relationships.

We developed a joint programme of work with the Building Safety Regulator (BSR) to enable co-ordination and collaboration on key industry matters. We also commissioned independent dialogue with industry to secure further insight into the challenges and opportunities for sector regulation. We participated in industry events, such as the inaugural BSR conference which helped publicise the role of OPSS as the regulator for construction products to those in the industry, including building control professionals, architects, engineers, surveyors, construction companies and contractors.

OPSS also participated at the Building a Safer Future conference, discussing the challenges for OPSS as the UK's construction product regulator, explained our regulatory approach and how OPSS are already enforcing in this sector.

Standards & Accreditation

National Quality Infrastructure

Standards and accreditation play an important role in the UK's National Quality Infrastructure (NQI). OPSS continued to lead on standards and accreditation policy, and the government relationship with both the UK national standards body BSI (the British Standards Institution) and the UK national accreditation body UKAS (United Kingdom Accreditation Service). OPSS is also the government lead for Legal Metrology; we worked

with the National Physical Laboratory and Local Authority partners to ensure the accuracy and consistency of weights and measures. Collectively, these arrangements helped to ensure businesses and consumers can have confidence that products and services they purchase meet regulatory requirements. We work with the key bodies of the NQI to ensure that the system is effective and adds value for the UK economy. Increasingly the challenges are to be relevant in a digital age and we are leading a programme to move the system towards a digital quality infrastructure.



National Quality Infrastructure

Trading relationships are often crucially reliant upon the standards, agreements, codes and regulations, designed to ensure that when businesses and consumers buy something, they get exactly what they expect. These standards, agreements, codes and regulations need to be written and implemented rigorously and consistently in ways that give everyone involved a high level of confidence in the outcome.

It is the role of the UK's NQI to enable this consistent rigour. The NQI has five core components:

- **Standardisation** – creates the national and international standards that describe good practice in how things are made and done.
- **Accreditation** – ensures that those who carry out conformity assessment, testing, certification and inspection are competent to do so.

- **Measurement** – implements specifications and standards to ensure accuracy, validity and consistency.
- **Conformity assessment** – entails testing and certification to ensure the quality, performance, reliability and safety of products meet specifications and standards before they enter the market.
- **Market surveillance** – checks whether products meet the applicable safety requirements. If they do not, it involves taking the necessary steps to ensure requirements are met, or imposing penalties.

The outcomes of NQI are better, safer, more sustainable products, increased confidence in domestic and international markets, greater participation in global trade and a stronger balance of payments.

Both UKAS and BSI work with OPSS within a framework defined by appropriate Memorandums of Understanding. For the GB market, and depending on the product, designated standards help manufacturers demonstrate that their products, services or processes comply with GB law. By following designated standards, manufacturers can claim a 'presumption of conformity' with essential requirements. Designated standards do not replace the essential requirements and manufacturers retain full responsibility for ensuring the applicable law is met.

OPSS leads on general accreditation policy across all government departments, with individual government departments and agencies being responsible for the application of accreditation policy for their specific areas of responsibility.

Accreditation drives confidence in all sectors by underpinning quality of results, ensuring their traceability, comparability and validity and ensures the highest levels of impartiality and competence through the continuous assessment process. Accreditation is the recommended means of demonstrating a conformity assessment body's competence. UKAS is the sole national accreditation body for the UK.

In addition to UKAS' ongoing work under statutory duties, supporting other government initiatives and the assurance market more broadly, OPSS and UKAS continued to work together to address key government objectives. Accreditation provides better oversight of organisations providing supplies and services and we will continue to promote accreditation and UK interests nationally and internationally.

Standards and Accreditation in Trade

Standards and accreditation also play a key role in trade negotiations. OPSS advised government colleagues in support of several international trading arrangements. We contributed to Free Trade Agreements (FTAs) negotiations, including the UK's FTAs with Australia and New Zealand – both of which have now entered into force and the substantially concluded negotiations to join the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP).

International standards support trade policy while helping to maintain the UK's flexible and pro-competitive regulatory model. In trade negotiations, we promote the use of international standards to ensure the safety and quality of products on sale in the UK, recognising the important role that international standards play.

As a committed supporter of the World Trade Organisation, the UK continues to base its product safety regulations – where appropriate – on these standards, with BSI representing the UK on international standards bodies, and UKAS representing UK interests in the global accreditation system through its active participation in international accreditation forums. This membership and engagement provides mutual recognition of accreditation and as a consequence helps to reduce barriers to trade for organisations.

Product safety legislation most often requires products to be assessed against minimum essential requirements, by Conformity Assessment Bodies (CABs) external to the business. In aiming to reduce trade barriers, we implemented a Mutual Recognition Agreement with Switzerland by committing to recognise the results of Conformity Assessment procedures by recognised Swiss CABs and Appointed Bodies against UK domestic regulations.



The Agreement also provides for designation of UK CABs as competent to assess that goods comply with regulatory requirements of Switzerland.

Guidance to business

During the year we regularly updated our guides to the UK product safety regulatory framework, including the extension of the use of the CE mark, easements for UKCA marking and obligations under the new Windsor Framework. We engaged with trade associations, approved bodies, individual businesses, and charities, and ran sector events and webinars to help them better understand the post-EU Exit UK product safety regulatory framework. We facilitated the development of Codes of Practice to help manufacturers in the pressure equipment sector comply with their obligations for UKCA marking, to help minimise any burdens on manufacturers placing pressure equipment on the Great Britain market.

International impact

Working with international partners

Recognising the global opportunities and challenges that shopping online presents, our online enforcement team collaborated through the year with international partners including Europol, the World Customs Organization, and the US Consumer Product Safety Commission.

Hallmarking

The UK is one of 21 signatories to the International Hallmarking Convention which allows UK businesses to place precious metals goods, mainly jewellery, on the markets of signatory countries without further barriers to trade. The UK is the largest issuer of Convention hallmarks (3.4 million out of 7.3 million marks). The Convention is chaired by the UK and we promoted a strategy to increase the number of members and therefore export opportunities for UK businesses.



ASEAN
INDONESIA
2023 

ASEAN MATTERS:
EPICENTRUM OF GROWTH

The UK is also leading a Convention Working Group producing a model law for use by prospective new members.

Timber co-operation

We undertook five ongoing high-profile investigations, including a request under the Mutual Legal Assistance Treaty from the US Department of Justice related to our ongoing investigation into traceability obligations in the regulation of traders in teak from Myanmar. This resulted in eleven offences being identified under UKTR and is subject to an ongoing investigation.

In July 2022, OPSS along with FCDO, Forest Trends and US Department of Justice hosted a Timber Regulation Enforcement Exchange meeting in London. This was attended by US and EU Timber enforcement agencies. This forum provided important updates on timber illegality around the globe and opportunities for side meetings to discuss joint activity

or exchange information and best practice, including with Irish, Belgian and German Competent Authorities, and Interpol.

Supporting trade opportunities

OPSS built strong bilateral relationships in particular with Asian regulators, and with those of the US, Canada, Australia and Ireland. We anticipate that these relationships will help all parties to improve product safety, as well as facilitating trade and economic growth.

We work with overseas governments, regulators, multilateral organisations and thought leaders from around the world. The purpose of this work is to make an impact on the international stage, working together to protect people from harm whilst creating regulatory environments in which businesses can flourish.

OPSS continued to work closely with colleagues across DBT and FCDO to ensure that our expertise is used effectively in support of both OPSS and the Government's wider international objectives. Working across government, we proactively sought opportunities to share and learn cutting edge regulatory initiatives from international partners whilst maximising the effectiveness and co-ordination of OPSS resources. Examples of these include actively supporting the OECD Working Party on Consumer Product Safety and participating in the Agile Nations network. Agile Nations is an initiative to collaborate and create a global regulatory environment that supports innovation, through peer-to-peer learning and sharing of regulatory initiatives.

Supporting trade through global regulatory reform

OPSS completed work on the Association of South-East Asian Nations (ASEAN) Regulatory Reform Programme, working with the governments of Indonesia, the Philippines and Vietnam. This programme is part of the wider FCDO-funded ASEAN Economic Reform Programme, which aims to achieve inclusive economic growth and poverty reduction in ASEAN, by helping to create fairer regulatory environments that enable global trade and investment. Throughout the programme, OPSS has delivered over 3,000 days of technical assistance, trained 700 government officials on good regulatory practices, and supported the implementation of 15 new laws. During the year, OPSS also held a series of bilateral meetings with ASEAN, specifically the ASEAN Consultative Committee on Standards and Quality and the ASEAN Committee on Consumer Protection, to discuss

opportunities for co-operation to support the delivery of the commitments set out in the UK/ASEAN Dialogue Partner Plan of Action and UK/ASEAN collaboration on operational product safety matters, cementing OPSS as a valued and trusted development partner.

Case study **Global reform**

Vietnam

OPSS worked with the Vietnamese Government to develop Resolution 68 2020, which aimed to tackle the red tape challenge in Vietnam. Through streamlining regulations, reducing costly barriers for businesses and freeing up business resources, Resolution 68 is expected to help improve the business environment, boost productivity as well as making Vietnam more attractive for domestic and foreign investment. Since Resolution 68 has been introduced, a total of 13,373 regulations have already been repealed or simplified, which has helped to save over 400 billion VND (£13 million GBP).

Indonesia

OPSS has supported the Government of Indonesia's transition to risk-based licensing. These reforms have helped to simplify licensing processes, creating an effective, transparent, and predictable regulatory environment for businesses small and large, domestic and international. This resulted in a significant increase in the number of new business registrations, for example in Central Java registrations rose from just over 1,000 per week to an average of 3,000. OPSS hosted a week-long study visit for a delegation of Indonesian officials, including active learning and knowledge exchanges from British regulators, trade associations, and businesses.

Philippines

OPSS has supported the development and implementation of the Philippine Good Regulatory Principles (PGRPs), a set of ten principles that outline best practice for all regulators. Based on the UK's Regulators' Code, the PGRPs require regulators to ensure regulations are designed and delivered in a way that is compatible with competition, trade and investment. They will help to improve accountability by making interactions more predictable and facilitating an open and constructive dialogue between regulators and those they regulate, promoting business confidence and growth.

Other international engagement

OPSS met with country delegations from many of our most significant trade partners during the International Product Safety Week event held in Belgium in November 2022.

Our contributions included a keynote speech on the UK Product Safety Review, online marketplaces and our PRISM risk assessment tool at the International Symposium held by the International Consumer Product Health and Safety Organisation (ICPHSO). Meetings between OPSS and US, Australian and Japanese counterparts were notable as part of a continuing strengthening of relationships with these globally significant regulators, examining opportunities for the exchange of non-public information through a voluntary scheme.

OPSS staff attended a joint OECD/ICPHSO event in the USA in February 2023 that brought together over 950 product safety professionals.

The event enabled OPSS to continue to build positive relationships, especially with US and Canadian regulators, and with OECD colleagues. Our people contributed to panel discussions considering product safety issues affecting three-quarters of a billion consumers, and we took part in sessions addressing product safety in a sustainable world, and product tracking and traceability including into second-hand markets.

OPSS played host to a delegation from Japan's National Institute of Technology and Evaluation, who visited and work-shadowed officials at OPSS. Representatives of the OPSS chemicals team attended the Network of Official Cosmetics Control Laboratories (OCCL) cosmetics event in Strasbourg, continuing our cross border collaboration with our closest trade partners.



Objective 4 **co-ordinating local and national regulation**

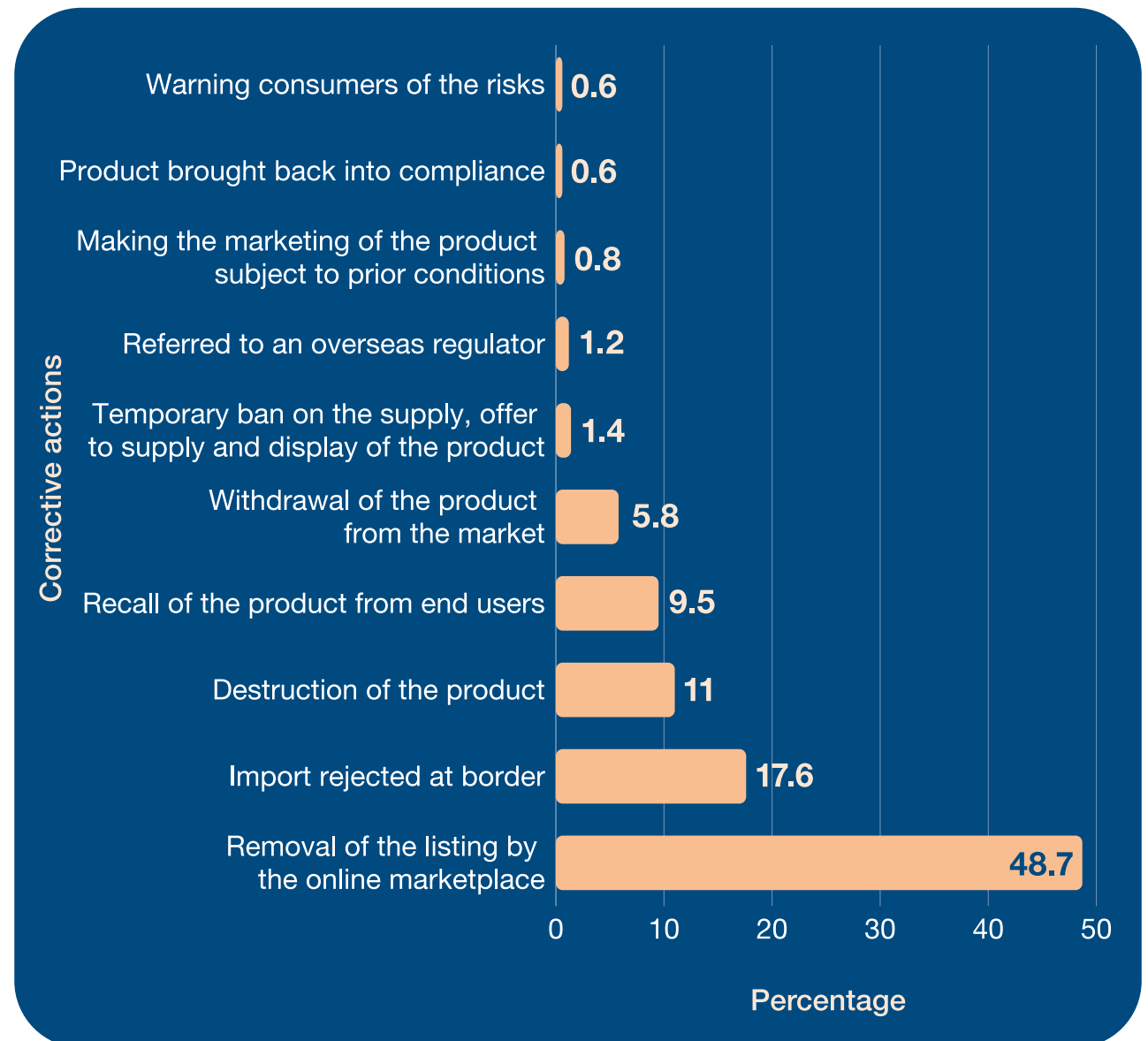
The OPSS Local Authority Unit (LAU) was launched in April 2022 as the single point of contact for local authorities covering four key policy areas: Product Safety; Legal Metrology; Construction Products; and Primary Authority.

Closer working with local authorities

OPSS provided training, access to product safety testing, technical advice and other services to local authorities (LAs) to support them in delivery of their statutory duties and delivery of local and national priorities. We provided a single inbox for LAs to contact us, which helped us build a picture of the nearly 1,200 incoming enquiries, which helped inform development of policy, tools, advice and training.

LAU liaison helped ensure accurate information exchange to allow full and proper consideration of any potential national regulator role. It also improved the quality of the data on the Product Safety Database (PSD) by supporting LAs in reporting safety concerns and non-compliance. LAU provided targeted messaging to LAs and relevant primary authorities on OPSS actions and incidents and specific product recalls, engaging with the appropriate LA contacts in the most effective way for speedy action to be taken. From all agencies there were 2,814 notifications on PSD during the year, covering 3,164 products. In response to these there were 4,844 corrective actions taken, and chart on the right illustrates the ten most frequently reported corrective actions:

Figure 4: Corrective actions notified on PSD, 2022/23



Local Authority Reference Panel

OPSS engages with LAs at national level through national representative groups on product safety and legal metrology to share information with the specialist trading standards officers and to get feedback on specific policy or implementation challenges faced at local and regional level. We introduced the Local Authority Reference Panel which provides opportunities for strategic conversations with regulatory services across the UK.

To ensure consistent and timely communication, LAU introduced weekly Heads of Service email bulletins to LAs covering the four key policy areas. Fifty-four bulletins were delivered to more than 26,000 recipients. They include information on policy and legislative developments, businesses seeking Primary Authority partners, OPSS consultations and funding opportunities.

Heads of service are encouraged to cascade the bulletin to their teams, and it is also shared through other networks such as the national groups on product safety and legal metrology and Trading Standards Coordinators. We introduced quarterly online briefings for local authorities. We undertook live online events with more than 200 regulators in attendance, and the recordings and accompanying presentations were made available on Regulators' Companion to allow more LA staff to hear first-hand the key messages from OPSS.

Primary Authority

Primary Authority (PA) has enabled businesses to receive assured and tailored advice on meeting environmental health, trading standards or fire safety regulations from a single local authority with that advice then applying nationally. This streamlines local regulation for business, and reduces workload for local authorities.



PA is administered and operated by OPSS and is utilised by more than 193 local authorities, and continues to grow with over 130,000 businesses participating in Primary Authority across the UK (3,167 direct and 128,063 in co-ordinated partnerships) with many of these businesses such as retailers having thousands of premises across the UK.

Where questions arise in respect of PA advice relating to proposed enforcement action, a business or local authority may request that OPSS exercise powers on behalf of the Secretary of State to issue a determination. Two such determinations were made and published.

The PA sector panels continued throughout 2022/23, bringing together PA providers and some of the biggest industry players in key sectors.

Eighteen expert panels were held, covering warehousing, distribution and food manufacturing; vehicle sales; hospitality; construction products (including building supplies and home improvements); and, at the request of LAs, a CBD and cannabis derived products panel was established to build consistency and confidence for those authorities working with legitimate businesses in this area.

Primary Authority Regional Groups provided a platform for PA providers to share their knowledge and experiences of using the scheme. Twenty-one group meetings, chaired by LA officers and supported by LAU were held.

OPSS worked with Material Focus and the Association of Convenience Stores (ACS) and their PA, Buckinghamshire and Surrey Trading Standards, to develop an advice paper 'Selling Vapes Responsibly'. This paper had additional input from Woking Borough Council and

Surrey Fire and Rescue Service, and is prominently displayed on the ACS web site. This work has enabled a single PA to help support compliance across the more than 33,000 retailers who are ACS members.

Product Safety

We have continued to support local authorities in the delivery of their statutory duties on product safety, for example by providing LAs with free access to the BSI online catalogue of standards. We also provide grant funding for the testing of samples sourced by local authorities from the businesses responsible for placing products on the market. Over 475 products were tested as part of the sampling protocol.

We also made grant funding available to district councils in Northern Ireland to enable each authority to address their individual capacity and capability development priorities as necessary to support a successful implementation of the particular requirements for Northern Ireland.

Legal Metrology

OPSS continued to fund 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 issued 19 section 73 certificates.

We commissioned and analysed local authority returns on legal metrology activity and published the 2022/23 Section 70 report in September 2023. The report outlined where the majority of local authority activity on legal metrology

had taken place and highlighted the main concerns of weights and measures officers. Local Weights and Measures Authorities submitted 188 returns – a 100% return rate.

The overall number of weights and measures inspections has increased in recent years following a reduction during the pandemic. Other key points from the 2022/23 S70 report included that there were 771 local weights and measures inspectors, equivalent to 198 full time equivalents working on metrology. The overall trend shows a 26% decrease in the total number of inspectors since 2012/13. Between 2021/22 and 2022/23, the overall proportion of businesses compliant on first inspection increased from 77% to 81%, and the proportion of businesses assisted into compliance decreased from 22% to 16%.

LAU coordinated and facilitated a series of cross-OPSS workshops for teams working on metrology. This included

refreshing the familiarisation day offer, mapping calibration activities and metrology policy and practices.

Construction Products

OPSS provided funding to enable LAs to conduct scoping and research work to understand businesses manufacturing, importing or distributing construction products in their area.

Three small projects were supported to help LAs develop their understanding of construction product makers, supply chains and regulators. A workshop was held to gather feedback from local authorities that delivered the projects on electronic survey and building control engagement; ports and building control; building control and fire and rescue service engagement; and insulation sector business engagement to help better inform our on-going approach to delivery.

Training and seminars

OPSS continued to support the development of tools and events to upskill and build capability in LAs. LAU provided training to support local authorities' work in product safety regulation, legal metrology, Primary Authority and construction products. Much of the work on capability was undertaken in partnership with the Chartered Trading Standards Institute. More than 200 local authorities participated with nearly 1,800 training attendances at a range of workshop activities.

Market surveillance policy and coordination

OPSS is responsible for UK market surveillance policy and co-ordination and is the market surveillance authority for a range of product regulation areas. We continued to work closely with other government departments and their delivery partners on market surveillance activities. This included

engaging with a broad range of departments and national and local regulators across Great Britain and Northern Ireland, such as Ofcom, the Medicines and Health Care Products Regulatory Agency, local authorities, Trading Standards Northern Ireland, and the Health and Safety Executive in both GB and NI.

We supported these bodies by setting the strategic direction for market surveillance policy, supporting the development of the Windsor Framework, 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.

Data sharing with fire brigades

As part of a Memorandum of Understanding, we continued to share data and information of mutual interest

and value with the London Fire Brigade (LFB). Building on the significant value identified through the data sharing process with LFB, plans were developed to expand the arrangement aiming to access data held by fire and rescue services nationally.

OPSS published guidance to support fire investigation teams in reporting product-related fires to the relevant entities, and to OPSS as national product safety regulator, on a voluntary basis. Data obtained through these mechanisms has been used to identify potentially dangerous products and feed the OPSS intelligence picture.

Objective 5 inspiring confidence as a trusted regulator

The public and other stakeholders should be confident that OPSS is an objective, impartial and effective regulator. This requires that we build and maintain our organisational capabilities and that we have the processes, systems, capacity and expertise to deliver across all our objectives.

Our aims

During 2022/23 we made significant steps towards these aims; these included our three-year organisational strategy, a new risk assessment methodology, a new case management system, a new data strategy, and the launch of a monitoring and evaluation framework, along with continuing enhancements to our science, research and testing capabilities.

Risk assessment

The OPSS risk team launched a new national product safety risk assessment methodology PRISM. This is designed to support more effective and proportionate risk assessments by our staff and local authority regulators.



This methodology is now being used by market surveillance authorities across Great Britain and has been backed up by a programme of training sessions for market surveillance officers.

We risk-assessed both individual products and types of products to ensure that our regulatory activities were focused on the highest risk cases and that any enforcement action was proportionate. Examples included gas grills, baby self-feeding products, lithium-ion batteries used in e-bikes and e-scooters, along with e-bike conversion kits; and a range of non-compliant electrical products.

Our risk team provided support to local authority officers in developing robust product risk assessments in relation to novel or complex issues. They also provided support to our online marketplace programme to ensure that products likely to present

the highest risks were targeted for regulatory scrutiny.

Digital services

Our Digital, Data and Technology function increased its support to both internal OPSS operations and provided new and improved ways for businesses, consumers and other parts of government to engage with OPSS, whilst improving our data capabilities.

Enquiry & Case Management System

September 2022 saw the initial release of our internally designed and built Enquiry & Case Management system (ECM). This was a step forward for OPSS, in the form of a new purpose-built digital tool designed for our needs as a product regulator. ECM has replaced multiple older systems and databases, giving us a more efficient, lower cost IT infrastructure.



We also continued to develop our suite of external facing services that enable regulation at national and local level:

- Our Product Safety Database (PSD) has seen significant development to enhance its role as the central hub for product safety issues and notifications in the UK, improving use of data to identify trends and future high-risk areas.
- The Submit Cosmetic Product Notifications Service has been improved to enable businesses to quickly and efficiently notify government of cosmetic products and provide enhanced capability for government to take action where required.
- The UK Market Conformity Assessment Bodies service was completely redeveloped to provide robust searching capability and automate backend processes for uploading data.

- The Primary Authority Register has been enhanced to make it easier to use.

The team also implemented automated search tools to enable enforcement teams to rapidly identify dangerous products available online. We took steps to improve OPSS data infrastructure and developed plans for full data cataloguing and warehousing, to be delivered in 2023/24.

PSD enables OPSS, local authority regulators and other enforcement bodies to notify unsafe and non-compliant products, share information on live issues and cases, and search for information relating to previously notified products. During the year 3,393 new records were created on PSD. An exercise to cleanse existing case related data resulted in around 5,000 individual cases being reviewed and updated to improve information or add missing information.

Training was delivered to users to highlight common issues and reduce the need for future data cleansing. Extensive improvements were made to the underlying database structure to improve reporting capabilities, enhance the user journey and experience, increase data reuse and reduce need for future data cleansing.

Regulatory design and governance

Our Regulatory Design and Governance team provides expertise to OPSS colleagues and other government departments to identify, analyse and tackle challenges that affect how regulations are designed or implemented. OPSS worked closely with the Department for Science, Innovation and Technology to feed into the development of legislation that comes into force in 2024 to improve the cyber-security of many smart consumer products sold in the UK.

This is the first regulation of its kind, based on internationally agreed standards to make products cyber-secure and protect consumers, networks and infrastructure from harm.

Incident management best practice

To ensure that our incident management process is fit for purpose and continues to improve, we engage with external auditors, undertake capability assessment, use continuous improvement approaches, and train colleagues.

Our role as the UK contact point for product safety was audited by the Government Internal Audit Agency to assess whether published procedures for unsafe and non-compliant products notified on PSD were being managed appropriately. The audit found procedures were adequate and evidence held for cases was complete

and correct. The audit identified a small number of areas that could be further strengthened and these have been addressed to the satisfaction of the auditors.

As a continuous improvement tool, we create and maintain incident management lessons and issues logs throughout every incident. This provides a comprehensive record of all lessons identified and enables us to monitor progress of improvement activities.

We worked with an external training partner to deliver 14 training courses on a range of civil protection and incident management practices. We also delivered an incident leadership workshop, training senior managers on civil protection legislation and practices, emergency decision making, incident plans, structures and triage processes before consolidating learning through scenario-based exercises.

Data Strategy

OPSS' ambition is to embed good use of data into who we are and how we operate, improving our data maturity as an organisation. We are committed to using the power of data to deliver our organisational purpose, and to achieve this we developed our first data strategy, setting direction for the three years 2022-2025, based on our ambition, approach and priorities, as well as providing transparency about our approach to the partners we work with, to those we regulate and to those on whose behalf we act. This data strategy formalises four objectives:

- To sharpen our understanding of the regulatory landscape and key actors, through the acquisition and development of data sources and reviewing legal obligations for information notifications under relevant legislation;

- 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;
- 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;
- To use trend and predictive data to target our regulatory activity according to risk, as well as improve opportunities for early intervention.

Our data transformation programme identified priority data gaps (health, fire, complaints and sales), and led to the acquisition of twelve priority datasets. We launched a research and data library where all OPSS users can see which datasets and research OPSS owns or has access to. We completed a digital

discovery exercise which identified how we will structure our architecture and which tools we will use to make data as accessible, secure and timely as possible.

During the year, we completed a benchmarking exercise based on guidance from the Government Data Quality Hub, part of the Office for National Statistics. This helped us identify what stage of data maturity we are at now, what is needed to move us further along and track our progress annually.

Monitoring and evaluation framework

OPSS developed a monitoring and evaluation framework to enable us to assess and refine what OPSS is doing, and how our activities are delivering an impact.

Story-telling techniques are at the heart of this framework, so that each team is able to tell an evidence-based narrative covering what their team do and how they contribute to the outcomes we seek.

We use tools such as logic maps to put that story on a page, helping ensure teams take a structured and transparent approach to intervention planning. Using logic maps helps teams clarify their purpose and identify how to measure their activities. For example, the consumer engagement team clarified that their contribution to consumer safety is increasing awareness and knowledge among consumers, rather than trying to directly change behaviours. We also developed an interventions mapping toolkit to support the construction products programme to determine which specific issues to target, and to identify how we can measure their impact in relation to that activity. These tools are now being rolled out to other teams across OPSS.

To provide evidence to support their narratives, teams developed their own measurement frameworks. These set out their priority data requirements and operationalise how the data is captured and presented. Consistent templates and definitions ensure that OPSS can aggregate this to the organisational level.

To understand in detail how OPSS contributes to outcomes, we will also undertake theory-based evaluations of priority programmes and projects. Our evaluations will focus on identifying OPSS's contribution to the outcomes, rather than direct causation, recognising that there are many intervening factors between OPSS and its intended outcomes. Theory-based evaluation methods are well-suited to address this challenge, supporting OPSS to learn what works and better target interventions in future.

Our monitoring and evaluation work will continue alongside a strategic

research programme that targets OPSS's evidence gaps. As OPSS builds the evidence base from research and monitoring and evaluation, we strengthen our ability to develop an economic model that allows us to assess our effectiveness and direct our activities to maximise value for money.

Building technical capabilities

The Engineering and Technology (E&T) team delivered high quality evidence and advice to support OPSS in the delivery of its work through 2022/23. This included a combination of technical policy support, research, metrology, and work on construction products. As part of the UK's NQI, the E&T team undertook a technical review for each new or amended standard proposed for designation. This work ensures that proposed standards meet the relevant essential requirements or the regulation it supports.

170 technical assessments were undertaken, and the team also provided technical reviews of a number of objections and restrictions to designated standards. The team is also leading the development of an environmental Publicly Available Specification (PAS) relating to the environmental impact of consumer products.

Some regulations require conformity assessment bodies (CABs) to determine the compliance of products placed on the UK market. CABs are appointed by the Secretary of State, usually following a recommendation by the United Kingdom Accreditation Service. All recommendations for appointment were received, reviewed and assessed by the E&T team prior to a formal recommendation for appointment being made. In addition the team maintained the cross-government UK Conformity Assessment Database listing 165 appointed CABs who provide services across 363 regulatory areas.

The E&T team provided engineering and technical support in the response to product safety and construction products incidents, including those related to the fire resistance of construction products used in thermal insulation, the safety of gas appliances, and baby self-feeding products.

The team provided guidance and advice around the application of legislation relating to all aspects of legal metrology, and worked across government to ensure that new measurement technology that may be used for trade purposes was evaluated and consideration is given to regulation by, or application within, OPSS. Other activities included the review and development of International Organisation of Legal Metrology recommendations alongside industry experts, ensuring the UK has a role in the development of international legal metrology standards.

The E&T team developed a construction products research strategy which has enabled the wider construction team to develop a coordinated approach to research that builds our knowledge, collects data and identifies future evidence needs.

Testing capability

OPSS continued upgrading its product testing laboratories in Teddington. This has created new in-house product safety and construction products testing capabilities, complementing our long-standing expertise in testing and calibration in Legal Metrology.

We commissioned our new mechanical laboratory, which provides us with extensive test functionality including the majority of the test methods specified in BS EN 71-1 for toy testing, 3D scanning and printing. We also took delivery of a gas chromatography mass spectrometer for our flammability lab.



Our incident laboratory came into service, enabling OPSS to disassemble and understand to component level those products involved in product safety incidents. We can work closely with manufacturers and suppliers to discuss issues discovered and mitigations proposed in this bespoke technical facility. This new facility was used in work addressing dangerous gas grills, enabling us to work with the manufacturer to fully understand the underlying issue, and scrutinise the proposed resolution.

We visited laboratories in the Public Sector Research Establishment Network and other laboratory testing networks, to share ideas, learn best practice and enable inter-institutional working. The knowledge gained has helped shape our vision for our laboratories and informed our ways of working and the systems we have implemented. Visits to the Health and Safety Laboratory, the Building Research Establishment,

the London Fire Brigade Forensic Fire Investigation Laboratory and the Office for the Government Chemist helped us understand their ways of working and informed our commissioning processes.

Legal Metrology

OPSS ceased operation of its conformity assessment body, the National Measurement Office, as these services are commercially available. This has enabled us to focus on our goals as a product regulator, reshaping how we work in Legal Metrology. We continued our nationally significant work with the operator of the National Lottery, assuring their draw machines and lottery balls meet the conditions set out in their licence granted by the Gambling Commission, to ensure fairness in each and every lottery draw.



We continued to calibrate local authorities' local measurement standards, a vital piece of the regulatory framework, which allows weights and measures officers across the country to enforce weights and measures legislation.

Strategic Research Programme

Our strategic research programme has continued to grow, through the commissioning and publishing of research aligned to seven areas of research that support delivery of the OPSS strategy: the Right Evidence for the Future; Making Regulation Work Better; Consumers and Vulnerability; Chemicals and Materials; Construction Products; the Study of Online Market Places; and the Application of Risk.

We published research on the reuse of cells in battery energy storage systems; the testing of vape batteries; and the use of recycled materials in consumer products.

Our research extended to technical studies, including the characteristics of modern domestic fire scenarios; noise testing of fireworks; and action limits for heavy metals in cosmetics. Other studies looked at social and behavioural matters, including the second-hand sale of electrical products, and a study of consumer product recalls.

Case study **Smarter regulation:** **Electric vehicle charge point research**

As the adoption of electric vehicles increases, so does the demand upon the nation's electrical infrastructure. Ensuring that all consumer charge points include smart functionality is one way to manage this demand. To support this, the UK government has introduced legislation requiring most electric vehicle smart charge points to conform with several functional, security and safety specifications.

To ensure OPSS can properly enforce compliance with this legislation we commissioned

research to develop options for assessing charge points against it, using a review of standards and best practice, and validated through a stakeholder workshop and testing several samples on the market.

This project produced assessment strategies that could be carried out for each requirement of the regulations, ensuring that there is a method to test all of the legislative requirements to ensure that only compliant charge points are being sold in Great Britain.



The role of a policy making regulator is more than a reactive one. It involves taking a proactive long-term view, identifying potential future risks before they create harm, shaping policy and regulation to protect people and places, whilst ensuring that new technologies can be enabled to support business growth and deliver new products for consumers. We published a number of forward-looking reports. These included research on the impact of artificial intelligence on product safety; the safety of smart domestic appliances; and the labelling, marketing and framing of smart products. We also commissioned our first horizon scanning project – research that will enable the early detection and assessment of emerging technologies that might impact future consumer product policy and regulatory activities.

Our Research Collaboration Network (RCN) was launched on GOV.UK in March 2023 to support the delivery of our Strategic Research Programme.

The purpose of the RCN is to make it faster for both contractors and OPSS to commission research, improve our access to topic experts and increase the diversity of skills we can draw on in shaping policy and regulatory interventions. We also expanded our register of specialists for construction products, and for chemicals, materials and toxicology. These experts inform our thinking and contribute directly to improving the safety of consumer and construction products, benefiting UK consumers and business, and supporting effective evidence-based regulation.

Science

OPSS continued to develop our scientific understanding of hazards and risks related to consumer products. This includes working with industry and cross-government stakeholders to identify how safety innovations from emerging technologies and advanced materials could improve

consumer safety. We commissioned research to develop sensitive and reliable methods to detect and quantify levels of heavy metals within cosmetic products. Detecting low levels of heavy metals within cosmetics is difficult and this research will help enforcement authorities and businesses ensure that cosmetic products sold in the UK are safe for consumers.

The Scientific Advisory Group on Chemical Safety of Non-Food and Non-Medicinal Consumer Products, established in 2021 and chaired by Professor Shirley Price, provides OPSS with scientific advice and independent risk assessment on substances used in consumer products. This has informed ministerial decisions on regulatory limits in relevant legislation. This included advice on the restriction of the fragrance methyl-N-methylantranilate in certain cosmetic products as well permitting the use of HAA299 as a UV filter in cosmetics.



Regulatory information and intelligence

Our regulatory intelligence team works across OPSS to understand critical information requirements, and to collect, analyse and report appropriate information to help shape and support risk assessment and regulatory decision-making. As part of our focus on online marketplaces, we prioritised the top 10 marketplaces of concern, and identified a further 27 that we frequently come into contact with. The team undertook a range of information and intelligence assessments at different levels to understand product related issues. These assessments help direct and prioritise enforcement activity within OPSS and our partner agencies.

Our Strategic Assessments gave an indication of current and emerging threats to help prioritise and drive the direction of our interventions over the next 1 to 3 years. Tactical assessments were undertaken for all main product

safety areas to focus on the main issues and constraints for service delivery and enforcement.

The team also undertakes a range of operational intelligence assessments to meet particular needs, such as rapid assessments where a quick response is important, summary profiles of businesses or products, sweeps and product or business profiles. The team produced 117 operational assessments.

Engagement has been critical in the development of the intelligence function. Building collaborative relationships with external stakeholders such as local authorities, London Fire Brigade, the Intellectual Property Office and The Insolvency Service, has enabled us to share information and create a fuller picture of potential risk. Understanding specific sectors and their issues has supported the development of proactive intelligence products that support enforcement activity across OPSS.

Governance and accountability



OPSS Structure

OPSS is part of the Competition, Markets & Regulatory Reform Group within the Department of Business and Trade, reporting to the Minister for Enterprise, Markets and Small Business. The nature of our work crosses many other government departments, and we work closely with the devolved administrations of Scotland, Wales and Northern Ireland.

OPSS Finance

OPSS total budget for 2022/23 was £61 million, including capital investment. OPSS is funded by the relevant policy department. In 2022/23 most of this funding came from BEIS, DLUHC, and Defra.

OPSS Leadership

OPSS CEO Graham Russell is responsible for building the capacity of the OPSS team to upgrade the UK's product safety system and to improve the delivery of product regulation in the UK. Our Leadership team reports to DBT ministers and to the DBT Executive Committee. We report to DLUHC Ministers for construction products regulation.

OPSS delivers its work through four impact areas: Enabling, Policy, Regulation and Evidence. Each area is overseen by a Deputy Chief Executive Officer (DCEO), reporting to the CEO.

OPSS Advisory Group

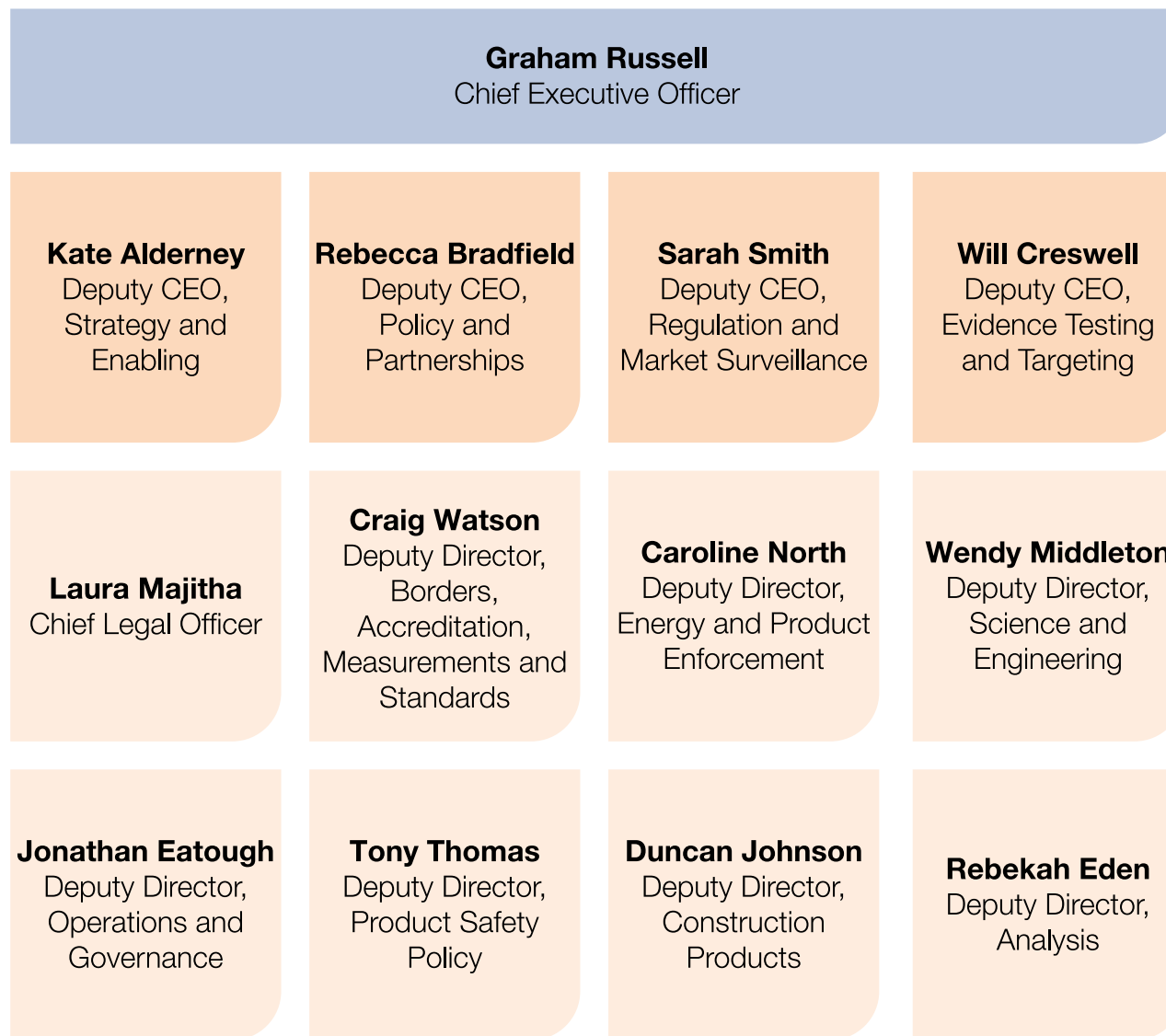
The OPSS Advisory Group of six external members typically meet once a quarter and their role is based on the model of non-executive directors. Members bring knowledge from similar delivery organisations and related nongovernmental bodies. Members act as critical friends, without formal governance responsibilities. The group provides external challenge and brings fresh perspective and ideas to OPSS, ensuring we are best prepared to deal with 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
- 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
- Professor Shirley Price, Academic Director University of Surrey

Recent discussion topics have included focusing on different elements of OPSS’ role as a product regulator, creating a regulatory environment that places the protection of citizens at the heart of the system, and how our response to incidents has matured.

Organisational structure for 2022/23





© Crown copyright 2024

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit www.nationalarchives.gov.uk/doc/open-government-licence/version/3

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

This publication is available at www.gov.uk/official-documents

Contact us if you have any enquiries about this publication, including requests for alternative formats, at: OPSS.enquiries@beis.gov.uk

Office for Product Safety and Standards
Department for Business and Trade
4th Floor, Cannon House, 18 The Priory Queensway, Birmingham B4 6BS.
www.gov.uk/government/organisations/office-for-product-safety-and-standards

