



# What you can expect of OPSS:

Information for those we  
regulate

September 2021

The Office for Product Safety and Standards (OPSS) is part of the Department for Business, Energy and Industrial Strategy (BEIS). Our mission is to be a trusted product regulator for the United Kingdom (UK); protecting people and places; enabling business to thrive; and empowering consumers to make good choices.

This document explains what those we regulate (hereafter referred to as “businesses”) can expect from OPSS when delivering its enforcement roles. We are committed, as a regulator, to providing an efficient, courteous and helpful service and this document explains how we aim to do that and what standards we will meet. Further information on what businesses can expect from us in terms of our regulatory approach is available on our webpages, and includes our enforcement policy, which sets out the approach we take to dealing with non-compliance and product safety issues:

<https://www.gov.uk/guidance/national-regulation-enforcement-services#guidance-for-businesses-we-regulate>

## Areas we regulate

OPSS exercises the powers of the Secretary of State across the UK in relation to a range of regulations:

- a) We are the national regulator for product safety<sup>1</sup>, providing scientific and technical capability, enforcing in relation to cases that are nationally significant, novel or contentious, and working with local authorities, other market surveillance authorities and border control authorities to keep consumers safe and ensure business compliance.
- b) We are the national regulator for legal metrology, ensuring weighing and measuring instruments are accurate and reliable, and guiding the work of local authorities to give confidence to consumers and businesses in goods traded by quantity.
- c) We enforce in relation to a range of goods-based and standards-based regulations.<sup>2</sup> These include energy efficiency and environmental pollution requirements in product design and performance; standards and measurement in the energy supply infrastructure; and due diligence in the trade of designated raw materials – protecting consumers and the environment and helping to meet international commitments.

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<sup>1</sup> Our product safety responsibilities cover all consumer products, except for vehicles, medicines and food.

<sup>2</sup> In some of these areas of regulation we deliver on behalf of other parts of government, including the Department for Environment, Food & Rural Affairs and the Office for Zero Emission Vehicles

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

<https://www.gov.uk/guidance/national-regulation-enforcement-services#what-we-enforce>

OPSS helps local authorities respond to consumer product safety incidents, providing specialist support and advice and, in cases where incidents are judged to be nationally significant, coordinating and managing the incident response. Further information for local authorities and businesses is available in our Incident Management Plan:

<https://www.gov.uk/government/publications/incident-management-plan>

## How we regulate

We operate across a range of business<sup>3</sup> sectors with a focus on technical, environmental and product-based regulations. Across all of the areas in which we deliver regulation, our aim is to support and enable businesses to meet their obligations: the intention is to give compliant businesses the confidence to innovate, invest and grow, while ensuring the necessary protections are in place. We take proportionate action in response to non-compliance, including tackling those that put people or the environment at risk and businesses that may gain an economic advantage by ignoring their compliance obligations.

We act in accordance with the Regulators' Code, the Growth Duty, and the statutory principles of good regulation<sup>4</sup>, the former can be viewed on the following webpages:

<https://www.gov.uk/government/publications/regulators-code>

<https://www.gov.uk/government/publications/growth-duty>

This means that we aim to deliver all of our activities in a way that is proportionate, consistent, targeted, transparent and accountable:

- We ensure that information, guidance, and advice are available to help you to understand and meet legal requirements (see [Helping you get it right](#))
- We target our checks on compliance where we believe they are most needed (see [Checking compliance](#))
- We deal proportionately with non-compliance with legal requirements and with product safety issues, as set out in our Enforcement Policy (see [Responding to non-compliance](#)).
- We administer a number of regulatory process requirements in specific areas of regulation, including verification of FLEGT licences for imported timber; receiving and processing cosmetic product notifications and heat network notifications; and managing annual data returns by battery producers.

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

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<sup>3</sup> The term 'business' is used throughout this document to refer to any legal entity that is regulated, including any form of business, individual, charity, public sector body or other form of organisation.

<sup>4</sup> Legislative and Regulatory Reform Act 2006, Part 2

As part of the wider regulatory system in the UK and beyond, we work closely with other national and local regulators in order to share expertise and streamline our engagement with businesses. In particular, we work closely with local authorities in relation to consumer product safety and legal metrology, and with border control authorities when we are acting at the border.

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

For details of our approach to managing and sharing information see '[Managing information](#)' below.

## Working with you

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

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

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

We work across a wide range of legislation, and this provides us with different powers, for example in relation to entering business premises, inspecting or seizing products and documentation, and dealing with non-compliance. In exercising our powers, we have regard to relevant legal requirements and codes of practice. We are committed to treating those we regulate in a fair, unbiased and objective manner.

We are committed to being transparent in our activities so that it is clear both what we expect from businesses and what can be expected of us, as outlined in this document. We publish information about our performance so that businesses can see how we are doing. This includes an annual Delivery Report that includes detail of our enforcement activities, and periodic publication of a list of statutory enforcement actions that we have taken<sup>5</sup>.

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<sup>5</sup> The lists of statutory enforcement actions taken are available at: <https://www.gov.uk/government/publications/opss-enforcement-actions>

## Helping you to get it right

We want to ensure that businesses have access to information and guidance to support them to understand their legal obligations and to be compliant and successful. We make information and guidance on meeting legal requirements available through legislation specific webpages at:

<https://www.gov.uk/guidance/national-regulation-enforcement-services#what-we-enforce>

We are always keen to take opportunities to work with business representative groups, such as trade associations, to raise awareness and understanding of legal requirements among the businesses they represent.

## Advice: consumer product safety and legal metrology

UK businesses requiring advice on compliance with consumer product safety obligations should contact their local authority.

- In England, Scotland or Wales, details of your local authority's Trading Standards Service can be found by visiting:

<https://www.gov.uk/find-local-trading-standards-office>

- Businesses in Northern Ireland should contact their local district council. Contact details can be found by visiting:

<https://www.nidirect.gov.uk/contacts/local-councils-in-northern-ireland>

Businesses requiring advice on compliance with legal metrology obligations should contact their local Trading Standards Service, other than where their enquiry relates to requirements that apply to placing measuring instruments or non-automatic weighing machines on the market. These enquiries should be addressed to OPSS. Contact details for local Trading Standards Services can be found by visiting:

<https://www.gov.uk/find-local-trading-standards-office>

Where a local authority is acting as primary authority for the business it may approach us for support in our capacity as a Supporting Regulator as part of the Primary Authority scheme. This may include support in relation to the development of Primary Authority Advice that is being developed by the primary authority. Further information, including details of our approach to cost recovery as a Supporting Regulator, is available here:

<https://www.gov.uk/guidance/primary-authority-a-guide-for-local-authorities#supporting-regulators>

## Advice: other areas of regulation

In all other areas of regulation enforced by OPSS, it is important to us that businesses feel able to come to us for advice when it is needed. We welcome approaches from businesses that seek advice and clarification on compliance related issues and we won't move directly to enforcement action just because we are asked a question or told about a problem.

Where we receive a request for advice, from a business that has failed to comply with regulations that we enforce, our primary concerns will be to ensure protection for people and the environment; to ensure adequate steps are taken to address the non-compliance and its effects; and to minimise the likelihood of future non-compliance (see [Responding to Non-Compliance](#) below). We will use our powers to take enforcement action where we consider this to be appropriate, in line with our Enforcement Policy.

We do not charge or recover costs for the provision of advice to those we regulate, other than where we are acting in our capacity as a Supporting Regulator under the Primary Authority scheme (see the link above). Where advice is required to be tailored to the particular needs and circumstances of a business, we will:

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

Compliance enquiries can be made by contacting us (see [How to contact us](#) below). In responding to requests for guidance or advice we will, within 5 working days:

- acknowledge the request and inform the business which officer it has been allocated to;
- advise the business when it can expect a substantive response; and
- explain what we may or may not be able to do, so that the business knows what to expect.

Where we are unable to provide a full response to the request within 5 working days, we will keep the business informed of progress.

## **Statutory notifications**

Some of the legislation that we enforce requires businesses to notify us if they have identified an unsafe or non-compliant product that they have placed on the market or supplied/ made available, along with the corrective measures that they have taken subsequently. The notification requirements may differ in Great Britain and Northern Ireland.

Where we receive a notification from a business in relation to an unsafe or non-compliant product, our primary concerns will be to ensure protection for people and the environment; to ensure adequate steps are taken to address the non-compliance and its effects; and to minimise the likelihood of future non-compliance (see [Responding to Non-Compliance](#) below).

Information provided to OPSS (or other enforcement authorities) is handled as set out in the guidance available at:

<https://www.gov.uk/guidance/notification-of-unsafe-and-noncompliant-products>

## Checking compliance

We make the best use of scientific evidence, data, risk and intelligence when planning our enforcement and market surveillance activities and making decisions on which sectors, products and businesses to focus on. We undertake extensive engagement with consumer bodies, business representative bodies, NGOs and other stakeholders to build our understanding and inform our decisions.

We monitor compliance with the regulations we enforce in a number of different ways including through reviews of technical documentation, inspections, product examination and testing, and investigations.

## Inspections

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

When we visit business premises our officers will:

- present their identification card and authorisation;
- explain the reason and purpose of the visit;
- explain any powers of entry, and associated powers, that they are using;
- exercise discretion in front of customers and staff and, wherever possible, seek to minimise the potential for causing reputational damage to the business;
- seek, wherever possible, to cause as little disruption to the legitimate conduct of a business as is reasonably practicable;
- have regard to a business' approach to compliance, and use this information to inform future interactions;
- provide information, guidance and advice to support a business in meeting its statutory obligations, if required; and
- provide a written record of the visit.

## Product assessment and testing

When we purchase products for compliance assessment or testing, we will inform the appropriate business or businesses of the purchase and our intention to assess or test. We will also notify the results of compliance assessment or testing in a timely manner to the appropriate business or businesses. This will usually be the manufacturer (or their representative), the importer; or the distributor.

We may choose not to notify individual businesses of products purchased where this is being conducted purely for research purposes.

## Requiring documents and information

Some of the legislation that we enforce requires businesses to draw up documentation; to retain documentation and information and make it available for inspection; and, to provide specified documentation and information when required to do so by OPSS, or in some cases another enforcement authority.

We will exercise our powers to require production of technical documentation, records and information only where we consider this to be proportionate in the circumstances. We may, for example, require a business to provide technical documentation and information as an alternative to visiting the business and inspecting technical documents on site.

Where we exercise powers to require production of technical documentation or information we will:

- explain the reason and purpose of requirement;
- explain any powers that we are using;
- explain what documentation and/ or information must be provided;
- explain how the documentation and/ or information should be provided;
- set out the period within which the documentation and/ or information must be provided; and
- explain what action we may take if the required documentation and/ or information is not provided within the specified period.

Documentation and/ or information that is provided will be assessed in a timely manner and we will notify the business that provided the documentation and/ or information of the outcome of this assessment.

## **Checking goods at the border**

Consignments of goods arriving in the UK may be subject to controls to ensure that they meet the requirements of applicable legislation before being released onto the market.

OPSS, working with border control authorities, carries out checks on goods at the border to determine whether those goods should be released for free circulation or prohibited. OPSS may determine that the release of goods should be prohibited until further documentary or physical checks can be made, to satisfy itself that the consignment or goods within the consignment comply with the relevant legislation.

Where OPSS determine that a consignment, or part of a consignment of goods should be prohibited from free circulation pending further documentary or physical checks, we will notify the importer and/or authorised agent of the prohibition and will, within 3 working days:

- explain the reason(s) for prohibiting the goods;
- explain any powers that we are using;
- explain any physical checks we intend to conduct, and set out the time period for completing these;
- explain what physical checks we have conducted, and the findings;
- explain what documentation and/ or information must be provided and how it should be provided;
- set out the period within which the documentation and/ or information must be provided and explain what action we may take if the required documentation and/ or information is not provided within the specified period;
- inform you if we need to carry out testing on any products, setting out the time period for doing so; and
- explain your options should products fail documentary or physical checks and/or any testing.



OPSS will inform the importer and/or authorised agent of what is happening throughout the process and if our checks identify non-compliance, we will explain the options open to you.

If, after prohibiting a consignment, we are subsequently satisfied with our checks, we will clearly communicate this to you, the relevant border control authorities, and the owner or responsible person for the storage location where the consignment is located. The products will then be released unless border control authorities or another market surveillance authority still have an interest or wish to hold the consignment. In these circumstances, any subsequent communication with the importer and/or authorised agent will be the responsibility of those authorities.

## **Monitoring of products marketed online**

OPSS monitors products that are made available for sale via different routes, including on online selling platforms and social media platforms. OPSS also purchases products for assessment and testing via different routes, including on online selling platforms.

Monitoring of products that are advertised for sale online is carried out overtly by OPSS officers, using OPSS profiles and contact details where applicable.

## **Responding to non-compliance**

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

Our Enforcement Policy explains how we will deal with breaches of law and is available via <https://www.gov.uk/guidance/national-regulation-enforcement-services#guidance-for-businesses-we-regulate>, or by contacting us (see [How to contact us](#) below).

Non-compliance or suspected non-compliance by a business should be reported: see [Reporting non-compliance](#) below.

## **Reporting non-compliance**

Any allegations or information about non-compliance or suspected non-compliance in relation to matters that are regulated by OPSS, other than consumer product safety, can be passed to OPSS by contacting us (see [How to contact us](#) below).

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



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

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

We treat all contact with the service in confidence unless we have been given permission to share personal details with others as part of the matter we are dealing with or there is an operational reason which provides an appropriate legal basis as to why we need to share personal information, e.g. a legal obligation or public task.

For details of our approach to managing and sharing information see '[Managing information](#)' below.

## Consumer product safety

Businesses wishing to raise a concern about the safety of a consumer product should contact the relevant local authority Trading Standards Service (in Great Britain) or district council (in Northern Ireland). OPSS provides specialist support and advice to these local authorities in relation to their enforcement of consumer product safety requirements and coordinates work across local authorities where action is needed on a national scale.

Advice for consumers on product safety is available at:

<https://www.gov.uk/guidance/consumer-product-safety-advice-for-staying-safe>

Consumers should raise any concerns about the safety of a product, in the first instance, by contacting:

- **In England and Wales:** [Citizens Advice consumer helpline](#)
- **In Northern Ireland:** [Consumerline](#)
- **In Scotland:** [Consumer Advice](#)

These organisations may, where appropriate, send a copy of the information provided to the relevant local authority who will make a decision about what further action to take.

## Having your say

### Feedback

We value input from businesses and others to help us ensure our service is meeting your needs. We would like to hear from you whether the experience of us has been good or in need of improvement. This helps us to ensure that we keep doing the right things and make changes where necessary. We use satisfaction surveys from time to time but we welcome feedback at any time. Feedback can be provided by contacting us (see [How to contact us](#) below). Any feedback that we receive will be acknowledged, considered and, where appropriate, responded to.

## Complaints, challenges and appeals

We are always willing to discuss the reasons why we are considering or have made a given decision. Where we take enforcement action, there is often a statutory right to appeal. Where there is not a statutory right to appeal, businesses are still entitled to challenge our advice, actions, or decisions if they believe that we are wrong. We publish clear information for businesses about rights to challenge or appeal against our enforcement actions or decisions and we will always inform a business about its rights at the appropriate time:

<https://www.gov.uk/government/publications/safety-and-standards-enforcement-challenges-and-appeals>

OPSS is committed to providing a high quality, accessible and responsive service. We welcome any comments or complaints about our service, including when we get things wrong. Where anyone affected by our activities is dissatisfied with our service or behaviour, the complaint or comments should be sent as soon as possible. We take all complaints very seriously and our aim is to resolve any problems or difficulties quickly and fairly. We manage complaints about our service, or about the conduct of our officers, through our Complaints Procedure which is available at:

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

## Developing our services

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

We value the views of businesses and others in ensuring that we are delivering our services to meet the needs of our different stakeholders. We work in particular with OPSS' Business Reference Panel. This group of over 100 organisations and trade associations, representing a wider network of around 1 million businesses, is always happy to welcome new members – any businesses interested in participating should contact us (see [How to contact us](#) below).

## How to contact us

Please contact us using the contact details below:

- **Email:** [opss.enquiries@beis.gov.uk](mailto:opss.enquiries@beis.gov.uk)
- **Telephone:** 0121 345 1201
- **Post:** Office for Product Safety and Standards, Cannon House – 4<sup>th</sup> Floor, 18 Priory Queensway, Birmingham, B4 6PH

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

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

## Managing and sharing information

We share information and data on compliance and risk with other regulators where the law allows. In sharing information about those we regulate, we will handle personal information in accordance with the requirements under the UK General Data Protection Regulation (UK GDPR) & Data Protection Act (DPA) 2018.

All personal data will be managed in accordance with the UK GDPR & DPA and other relevant legal requirements. Details on how we will use personal data, and individual's rights in relation to that data, are set out in our Privacy Notice, available here:

<https://www.gov.uk/government/publications/safety-and-standards-privacy-notice>

Information about your rights to access information that we have not published (under the Freedom of Information Act 2000, the Environmental Information Regulations 2004, or the General Data Protection Regulation) is available at:

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

**Dated:** September 2021

**Name:** Sarah Smith

**Job title:** Deputy Director (Regulation and Market Surveillance)

**Review Due:** [September 2023]