



Chairman: Peter Adamson

Moray Council

01343 563940

chairman@scotss.org

Michael Porter
Department of Business, Innovation and Skills
1 Victoria Street
London SW1H 0ET

Dear Michael

Product safety review

On behalf of the Society of Chief Officers of Trading Standards in Scotland I am pleased to respond to your request for views and comments following the publication of the product safety recall review and the subsequent government response.

The Society believes that an effective recall system is fundamental to protecting consumers and reducing serious injury or damage to property. We are keen to assist in any way we can to ensure that the consumer protection framework is working well for consumers and business.

Again thank you for the invitation to comment on this issue; should you require any further input from SCOTSS in relation to these matters, then please do not hesitate to contact me or our Lead Officer, Paul Bannister from North Lanarkshire Council.

Yours faithfully

Peter Adamson
Chairman SCOTSS

Government response to product recall review – SCOTSS comments in bold

“Whilst a “national product safety agency” might provide an obvious focal point for industry, market surveillance authorities and consumers on matters related to product recalls and product safety, the Government does not believe that setting up a new public body in the current financial climate would be an effective use of taxpayers’ money.”

We are disappointed that Government does not recognise nor acknowledge its responsibility as the ultimate guardian of the people. This view contradicts that of other developed western nations, such as the US, which provides an example of good practice in the Consumer Product Safety Commission <http://www.cpsc.gov/en/>

“... we believe this centre of excellence is not for Government to lead”.

We believe that leading on this matter is exactly what Government should do. An officially recognised Government agency and associated website (hosted by BIS as the responsible Department) would illustrate the importance Government places upon the safety of consumers, and be a trusted source of information to consumers, businesses and regulators alike.

“All the stakeholders who have commented on the Review and/or the draft recommendations believe that market surveillance is under-resourced. Many of these concerns relate to Trading Standards. The Government therefore believes it appropriate to wait for the conclusions of its review of Trading Standards (which will be published in due course) before commenting further on this recommendation.”

It is difficult to offer considered comment upon the Government response to the product recall review when this has been sought in such a short time frame, and when that response does not offer any substance in answer to recommendation 3. The review states that there is an “urgent need to improve funding, training, resources and procedures for Market Surveillance” i.e. Trading Standards authorities; waiting for the conclusion of another report is not acceptable. The review notes that market surveillance authorities in the USA, Canada and Australia are funded by central government, as are other MSAs in the UK such as the Health & Safety Executive. Robust information is required on the real (and effective) levels of market surveillance currently being undertaken, and the form that takes, together with an acknowledgement that some local authorities have been cut to the extent that they are no longer fit for purpose and cannot reasonably be expected to be able to cope with a major recall issue without further assistance.

“Future approaches to income generation and cost recovery by regulatory services will be aligned to and consistent with the outcome of the review of Trading Standards, when it is published.”

We support and endorse the aspirations to improve income generation and cost recovery; the latter may be scrutinised with a view to creating a system which parallels extant Health & Safety Executive powers to recover enforcement costs from those who are found to be failing to comply with the relevant safety legislation. Any ongoing lack of financial resources for enforcement authorities will impact upon their ability as regulators to take actions which are proportionate to the safety concerns prevalent in the marketplace.

“There is guidance currently available now but the Review found that it is sometimes outdated or confusing. With input from the steering group (see Next Steps), Government will work with stakeholders from the sector to review existing UK guidance documents, alongside those from third countries, to develop new world class guidance for the UK. Our aim would be to clarify existing rules without imposing any new burdens on industry or market surveillance authorities.”

We welcome this commitment from Government.

“... we will work with stakeholders to consider which organisations have access to information on product safety in the UK, to map where information is duplicated and identify gaps. BIS will then work with the steering group to identify how we might fill the gaps and overcome the barriers which prevent data sharing”.

Communication between regulators and with both consumers and businesses is vital to the improvements in product recall. Small and medium enterprises would be assisted in fulfilling their duties as producers and distributors by the provision of information from a central, trusted source.

“... the Government believes that the re-introduction of a national injury database would be a disproportionate response to the problem”.

We believe that the reintroduction of a national injury database would be invaluable. As enforcement authorities continue to develop their intelligence led approach to prioritising work, access to such a system would enable authorities to assess the extent of national concerns and assess them in terms of their local authority jurisdiction, in order to prioritise both proactive and reactive actions in the right areas.