Brent

Harrow COUNCIL LONDON

Brent & Harrow Trading Standards

Product Safety Incident Management Plan

Foreword.

This incident management plan (IMP) has been developed to demonstrate compliance with PAS (Publicly Available Specification) 7100:2018 (Code of Practice on Consumer Product safety related recalls and other corrective actions) and support businesses with managing the recall or required corrective actions of non-food products. The IMP is to assist businesses managing a product safety incident, ensuring informed decisions are made and accurate information is collected.

The IMP supports Brent & Harrow Trading Standards Service (B&HTS) in assisting a business to manage a product safety incident and ensure informed decisions are made and accurate information is collected.

This plan is not a standalone document and must be used and read in conjunction with a copy of the PAS 7100. Part II of the Code is aimed specifically for Regulators.

PAS 7100 is not intended to conflict with existing sector specific schemes (e.g. automotive, medicines, medical devices) which should be referred to in respect of the product categories covered.

This document is not intended to instruct on how to undertake a full corrective action or to explain how to carry out a risk assessment. It is a template framework to guide officers through the process.

For terms and definitions please see pages 1-3 of PAS7100.

Contents.

Review.

Date	Nature of update	Updated by	Version Number

It is recommended this IMP is reviewed annually or after it has been used for a product safety incident.

Brent & Harrow Trading Standards Key Contacts

Fact Finding / Support		
Job Title	**Name / contact details**	**Stage to Involve**
Lead Safety Officer*	Paul Lee – paul.lee@brent.gov.uk	After fact finding
Line Manager*	Anu Prashar - anu.prashar@brent.gov.uk	After fact finding
Other Staff	Other Principal Officers/Colleagues trading.standards@brent.gov.uk	Once corrective actions agreed
Safety & Standards⊙	OPSS.enquiries@beis.gov.uk	
Reporting		
Job Title	**Name / contact details**	**Stage to Involve**
Head of Regulatory Services	Simon Legg simon.legg@brent.gov.uk	Local large scale high risk to local residents
Internal Communications	pressoffice@harrow.gov.uk press.desk@brent.gov.uk	
RAPEX^	rapex.unit@beis.gov.uk	
Internal Emergency Planning/Resilience/Risk	Emergency Planning Team- Brent emergency.planning@brent.gov.uk 02089371234 Emergency Planning Team Harrow emergency.planning@harrow.gov.uk 02084209490	Local large scale high risk to local residents

*Recommended to involve at an early stage.

⊙ A local authority should notify the Office for Product Safety and Standards (OPSS) when it becomes aware that:

- a producer has placed a product on the market, or
- where the producer is not based in the UK, a distributor

has supplied a product that poses risks to the consumer that are incompatible with a safety requirement.

^Usually only required for serious risk products sold outside of the UK to EU/EEA Countries.

Fact Finding

The questions below are to ensure you have enough information to make an informed decision and also at which point the goods are within the supply chain. Ultimately, this will point you in the direction as to whether a product recall or other corrective action is required. This section also supports the information provided in **Annex D** of PAS 7100:2018.

a) Name of person reporting
b) Business details, including
    a. Legal name
    b. Address
    c. Contact phone / email
c) Details of product, including:
    a. Nature of problem
    b. Quantity affected
    c. Location of product(s)
        i. Retailed in UK only or also in Europe?
        ii. Number of products under business control
        iii. Number of products in retail
        iv. Estimated number of products with end user
        v. Has the product been sold online?
    d. Any reported incidents?
        i. Have any injuries been reported?
        ii. Age group of people being injured and/or target market?
    e. How problem was identified?
        i. Traceability of products i.e. batch coding
    f. Any identified solutions?
    g. Has a risk assessment been carried out?

SEE ANNEX I for Printout version of the above questions to record the details obtained.

Risk Assessment

In order to inform the authority as to the severity of the risk, a risk assessment must be carried out by Trading Standards. **Annex B** of PAS 7100:2018 explains the process including typical hazards and injury scenarios, severity of injuries and sensitivity analysis. There is also an online Risk Assessment tool (RAG) available at: https://ec.europa.eu/consumers/consumer-safety/rag/#/screen/home

If it is identified that the business has not carried out a risk assessment, the above link should be sent to the business for them to complete (or risk assess ascertained by other methods).

All Risk Assessments undertaken by Trading Standards staff, must be reviewed internally by a senior manager to ensure consistency and proportionality.

Risk Assessment Outcome

Information required from a business will vary depending upon the type of business it is and their relationship with the local authority (e.g. is there a Primary Authority agreement in place for business concerned; does the authority act as Home Authority for the business; is the business known to the authority?) Officers will be aware of the limitations of the information provided and may need to use other sources if confidence is low in the data received – e.g. OPSS, online reviews.

The outcome of the risk assessment will either be serious, high, medium or low risk. The risk will then inform as to whether the incident requires a recall or other corrective action.

The business will be advised of the outcome of the risk assessment and the appropriate action to take.

If the incident requires an informative notice to consumers, there are template examples within **Annex G** of PAS 7100:2018. The business will be advised to identify relevant consumers and consider the best way to provide the incident information to the target audience e.g. internal sales records, newspapers, business website, social media, specialist publications.

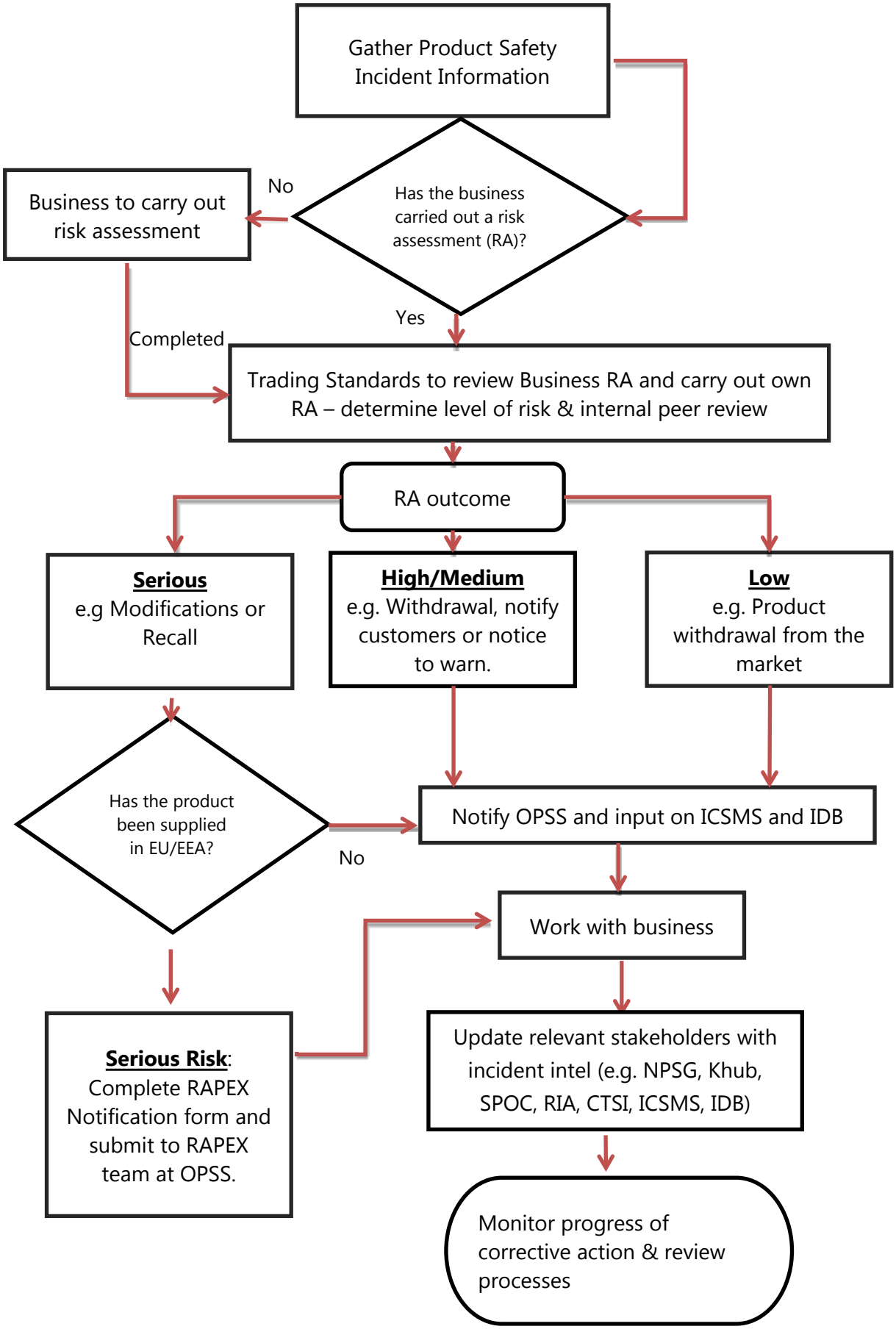
B&HTS will notify the OPSS about the incident, including the producer / UK distributor's name and address as well as sufficient information to identify the products affected, along with details of the action being taken to prevent risk to the consumer.

B&HTS will complete the RAPEX notification form where there is a **serious** risk and the business supplies the affected product outside of the UK. This includes the Republic of Ireland (ROI). The latest guidance from Department for Business, Energy & Industrial Strategy (BEIS) Rapid Alert System (Rapex) Team for Rapex Notifications is attached in **Annex II** (of this IMP).

Abbreviation key for the Decision Flow Chart

Abbreviation Key-Abbreviation	Word
RA	Risk Assessment
EU	European Union
EEA	European Economic Area
CTSI	Chartered Trading Standards Institute
ICSMS	Information and Communication System on Market Surveillance
IDB	Intelligence Database
NPSG	National Products Safety Group
Khub	Knowledge Hub
SPOC	Single Point of Contact
RIA	Regional Intelligence Analyst

1. Decision Flow Chart



Monitor, Follow up and Review

Monitor

This section should be undertaken in conjunction with Annex E and F of PAS 7100.

During the process of the recall (or corrective action) it is important to monitor the progress to ensure the maximum effectiveness of the actions agreed, this would include: -

- Obtaining updates on the numbers of product that has been returned/modified/replaced
- Review the numbers of further complaint data
- Carry out additional risk assessments based upon new complaints data and amend corrective action if required
- Review the actions and consider whether further actions are needed – such as additional consumer contacts such as second letters, further publications of the notice in other relevant media sources and websites.

Review

On conclusion of the corrective action review the process with Lead Safety Officer and update the IMP and ensure the business updates their Product Safety Incident Plan.

Local Government Sign Off

Position	Name	Signed	Date
Head of Regulatory Services	Simon Legg		
Senior Regulatory Manager	Anu Prashar		

Annex I
Fact Finding Questions[a]

a) Name of person reporting	
b) Business details, including:	
a. Legal name	
b. Address	
c. Contact phone / email	
c) Details of product, including:	
a. Nature of problem	
b. Quantity affected	
c. Location of product(s)	
d. Location of product(s)	
i. Retailed in UK only or also in Europe?	
ii. No. under business control	
iii. No. in retail	
iv. Estimated no. with end user	
v. Sold online?	
e. Any reported incidents?	
i. Have any injuries been reported?	
ii. Age group of people being injured and/or target market?	
f. How problem was identified?	
i. Traceability of products i.e. batch coding	
g. Any identified solutions?	
h. Has a risk assessment been carried out?	

[a] To be used in conjunction with page 4.

Annex II

RAPEX information and latest guidance from BEIS RAPEX Team.

Rapid Alert System Users (RAPEX)

We continue to see a year-on-year increase in the number of notifications received through the Rapid Alert System.

To help guide you on completing a notification we'd like to provide the following summary of what constitutes a 'RAPEX' notification and how to make one. This will ensure that the platform is used effectively and that our limited resources (both at BEIS, Trading Standards & other UK authorities) are focused on processing serious risk notifications.

Before making a notification, please:

- Check the European Commission's Rapid Alert System website RAPEX search to see if the product has already been notified. If it has, then a UK reaction form should be submitted instead if measures are taken on the UK market (reactions are not required for UK notifications). Reactions can also be submitted when there is a divergence in the risk assessment of UK supplied products notified by other EU/EEA Member States.

- When identifying whether a RAPEX is appropriate, attention should be paid to the following:

- The product must pose a **Serious Risk** to the consumer under **Article 12 of the GPSD**. Complete a risk assessment to show the level of risk. This must be saved and sent as a PDF attachment with each notification.

- Since 2010, and as a result of the entry into force of Regulation (EC) No 765/2008, measures taken against professional/industrial products and products posing risks other than those to consumer health and safety also need to be notified on RAPEX.

- It must be found (or is very likely to be found) in **more than one Member State** and indicate where possible which ones it is sold in.

- Voluntary or compulsory measures must have been taken (i.e. product recall, withdrawal etc.) where possible attach details of the measure taken.

- There should be a short description of the product and packaging, including the type of materials from which it is made etc. Provide clear photos of the product, packaging and labelling, these should be in jpg, jpeg or png format, no more than 2MB in file size, not have the date taken printed on the photo, or the officer's hands or market surveillance markings/documents visible in the background (i.e. crop and reduce size of photos using Microsoft Office Picture Manager or Paint option to edit if available). The photos should be separate and not simply be part of a test report.

- There should be as much information regarding the brand, model/batch/barcode numbers (**also provide clear photos showing these**), manufacturer, exporter, importer and distributor as possible. The lack of branding and traceability could invalidate a notification. Where possible always attach documents such as invoices showing full details of the economic operator(s).

- If the product is by a UK manufacturer, please provide details of the European distributors in a separate word or excel document.
- The test failure report should be summarised on the form to describe how the technical defect leads to the risk (if there is no test report please summarise the issue with the product and risk to user). This text is used for the Rapid Alert web publication, please use similar text to describe the risk as in the Weekly reports e.g. "The eyes of the toy can easily detach. A child could put them in the mouth and choke on them".
- A notification should include the separate copies of a test report, risk assessment, photos of the product and packaging, a copy of the measure, where available a list of European distributors/retailers. **Please ensure the maximum size limit of each attachment is 2MB or less.**

We are unable to process notifications for products where there is no branding or other markings that will distinguish it from similar products on the market. (We regularly receive notifications for generic products such as adapters, chargers or lighting chains which we are unable to action). If in doubt please speak to the BEIS RAPEX unit before drawing up a notification.

We propose to no longer notify products on RAPEX that are submitted under **Article 11 of the GPSD (Non-serious risk)** and **"For Information"** as these can dilute the primary purpose of notifying serious risk notifications. These should be placed on ICSMS. The UK's National Administrator is HSE, to access ICSMS contact: safety.unit@hse.gov.uk

To summarise:

Check the Commission's web-page by using the Search tool to see if the product has already been notified RAPEX search

Product must pose a serious risk (only notified under Article 12).

Notifications will not be submitted for products which other member state market surveillance authorities would be unable to distinguish from similar products placed on the market.

The Rapid Alert System by its nature is a rapid information electronic platform to identify and remove unsafe products that pose a serious risk. Therefore, if the measures taken are more than 6 months previous to the notification it will not qualify.

Where products do not meet the above criteria, we suggest placing the information on ICSMS which can be accessed by other Member States' authorities as well as those in the UK.

If in doubt contact The Office for Product Safety and Standards: 0121 345 1201 Email: rapex.unit@beis.gov.uk Rapex Unit, Office for Product Safety & Standards, Department for Business, Energy & Industrial Strategy, 1 Victoria Square House, Victoria Square, Birmingham B2 4AJ.

Please contact the above for the RAPEX notification and Reaction forms or for access to the RAPEX system in order to input notifications directly; you will first need to create an EU LOGIN account.
Alternatively a RAPEX notification can be generated from ICSMS if users have the RAPEX creator credential as part of their user profile.