Professional Qualification – Product Safety

QUALIFICATION DESCRIPTION

This qualification will provide you with the knowledge and understanding of product safety legislation and how it structures and facilitates the role of market surveillance operations and strategies to ensure the safety of consumer goods in the market.

WHAT TO EXPECT

The course will be taught in line with the learning outcomes. It is also expected that you will undertake your own learning, thereby ensuring you are familiar with **all** areas shown in the course syllabus.

The course will use different learning delivery methods and will be scenario based to help the learner understand the practical application of the law. There will be a total of five classroom-based days with the trainers delivering tuition via MS Teams.

You have from the course start date (when the learning materials are made available), to start working on, per case study of 3,000-words each (two case studies required). Ensure you review the guidance provided, to make sure you are meeting the case study requirements.

On completion of the tuition, you will finalise both case studies and submit by the prescribed deadline outlined in your handbook. (A total of 5 months to complete both case studies.)

Only on successful completion of both case studies will you move onto completing your professional interview assessment.

An on-line portal will provide you with on-going detailed course notes, additionally, the trainer may choose to provide, via the on-line portal, videos, or other learning materials, as they deem necessary; these additional learning materials will be provided throughout the duration of the course.

You are expected to complete all assessments/assignments, as notified to you, by your trainer. You will upload them for marking, by the designated deadlines.

UNIT INFO

Assessment types & Deadlines:

Distance Learning – 12 weeks
Contact Day Learning – 5 days
2 x Case Studies (3,000 word each)
Professional Interview exam (30 mins)

Pass Mark – Minimum of 60% across all areas. (Both case studies must be passed to move on to professional interview assessment.)

Resources information:

Distance Learning Materials

Contact Day Training

Unit designated learning hours:

200 hours (delivered by both training and self-learning hours)

Qualifications Team info:
Available Mondays to Fridays.
9am to 4pm

Team members
Sue Steward – Head of Education and Training
Richard Cowles – Education and Training Manager
Marianne Rickwood - Coordinator
Rebecca Taylor – Coordinator
Alex Jones – Education Assistant

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Professional Qualification – Product Safety

To gain the qualification, not only is it expected that you will attend the virtual/classroom-based training, but you will also complete the following:

Two x 3000 Word Case Study Report: You will complete two 3000-word case study reports, based on the requirements as set by the examiner and provided to you within the case study guidance. Both case studies must be passed.

Professional Interview: Complete a 30-minute interview. First 15 minutes will be scenario based. You will be provided with 10 minutes reading time. You will be asked 5 questions by the examiner. For the remainder of time, you will answer 3 questions, based on one of your case study submissions.

Classification of Marks

All examinations are marked out of 100% and with a pass mark of 60% across all areas. All effort should be made to gain the highest mark possible throughout the examining process.

LEARNING OUTCOMES

The competence for this professional qualification is the demonstration of knowledge and understanding of:

- Understand and apply the UK legal provisions that relate to market surveillance of products in relation to safety in the trading standards context, including general horizontal regulation, and harmonised product specific provisions, including those requiring specific conformity assessment processes covering products falling under the competency of trading standards services.
- Conformity assessment, technical documentation, and traceability as a means of determining product compliance and risk via verification or challenging the information and documentation provided.
- Product and hazard identification, simple checks, screen testing, labelling, and warning checks, including the development of testing protocols and the use of harmonised/designated standards, and the commissioning of formal testing.
- The obligations of economic operators and market surveillance authorities.
- Data collection and intelligence development in the context of product safety regulation.
- The process of market surveillance and how this relates to enforcement, taking proper account of statutory powers and obligations.
- Product and process risk assessment methodologies, particularly PRISM, and their application to consumer products including decision making that arises from such assessment.
- The process of risk management at the design and product phase of conformity assessment, but also for products in the supply chain and those that have already been supplied to consumers. This will include the appropriate use of the relevant principles to the explain and require appropriate corrective actions, including the issuing of statutory notices.
- The principles of quality assurance, quality control and quality management in product and process risk management in relation to product safety.
- The process of market surveillance at Ports of Entry to the UK, and the processes, agencies and principles that this entails.
- The role and use of the GB product safety database and EU Safety Gate.
- Regulation 765/2008 (RAMS), Decision 768/2008 and the Blue Guide on the Implementation of Product Rules and how this affect GB market surveillance of consumer product safety, EU Exit and the differences in market surveillance, enforcement and product rules between Great Britain and Northern Ireland.

Professional Qualification – Product Safety

Indicative areas of study

The range, function, and extent of legal controls, together with relevant guidance, which relate to the market surveillance of product safety.

The following terms have been used to indicate the level of knowledge required in each element:

Detailed: To an in-depth level, and with a fine degree of distinction between concepts.

Working: With the ability to apply the learning to situations to resolve problems.

Basic: Having an awareness of the organisations and concepts.

Assessments will reflect the requisite level of knowledge in each given area of the syllabus.

Detailed knowledge of:

In relation to product safety legislation and associated documents:

- The legal system, the role of case law and precedent, burden of proof, evidential standards and procedures including PACE and CPIA.
- Primary and Home Authority.
- The Status and role of the Office for Product Safety and Standards, Medicines and Healthcare Regulatory Agency, Health and Safety Executive and other relevant regulatory agencies for product safety.
- Definitions, including but not limited to, products, economic operators, corrective actions, processes.
- Criminal offences and defences.
- Market surveillance and enforcement obligations and powers, proportionality, risk and risk management.
- The obligations of relevant economic operators.
- The concept of ‘safety’, how this relates to risk and regulatory requirements for consumer products.
- The range of products regulated under general and product specific product safety legislation, including products aimed at vulnerable consumers.
- The concepts of ‘hazard’, ‘risk’, ‘risk assessment’ and ‘risk management, with particular emphasis on PRISM.
- Standards and standards making, including the status of standards in product safety legislation and their harmonisation, certification marks.
- Data collection and intelligence development – targeting, databases, strategy, and tactics.
- The impact and application of relevant case law.
- The concepts and function of the New Approach, and the alignment package of the New Legislative Framework.
- Conformity assessment and the principles that underpin it, and the documents that are generated to demonstrate that it has taken place.
- The concept of corrective action, the basis on which it is taken, voluntary action and safety notices.

Professional Qualification – Product Safety

Working knowledge of:

- Data collection and intelligence development – targeting, databases, regulatory strategy, and tactics.
- Quality management methodologies in the context of product safety regulation, including the scrutiny, verification and challenge of documentation produced in evidence of conformity.
- Roles, responsibilities and obligations of market surveillance authorities and economic operators.
- Traceability of products and the components/materials used to manufacture products.

Basic knowledge of:

- The background and rationale that underpin product safety legislation under Chapter 1 of the EU Acquis.
- How market surveillance and criminal liability overlap with civil law constructs such as contract, tort and product liability.

Indicative areas of knowledge:

- The Consumer Protection Act 1987 part II and the regulations made under this legislation and relate to product safety (including those originally made under the European Communities Act and designated as retained EU safety regulation by the Product Safety and Metrology (Amendment etc.) (EU Exit) Regulations 2019.
- The Consumer Protection Act 1987 Parts IV and V as they apply to product safety.
- The Consumer Rights Act 2015 Schedule 5 as it applies to the exercise of powers in relation to enforcement and market surveillance.
- The Regulation and Accreditation of Market Surveillance Regulation 765/2008 as it is retained in UK law.
- The General Product Safety Regulations 2005, The REACH Enforcement Regulations 2008 (as amended and the Chemicals (Hazard Information and Packaging for Supply Regulations 2009.

Skills based competencies:

- Practical enforcement skills relating to product examination, hazard identification, commissioning testing and other expert opinion.
- Conducting a risk assessment using the PRISM tool, building injury scenarios, and using data to determine step probabilities or the use of estimation where necessary, and decision making about the appropriate risk management following this and the efficacy of this action.
- The use of safety notices and a risk management tool.
  The application of product standards, undertaking screen testing and commissioning formal testing.
- Examination of conformity assessment documents, and decision making about a product's likely compliance (or otherwise) because of this.