

The 'Farm Regulators' Charter'

DEFRA consultation

Chartered Trading Standards Institute response

May 2016

About The Chartered Trading Standards Institute

The Chartered Trading Standards Institute (CTSI) is a professional membership association founded in 1881. It represents trading standards officers and associated personnel working in the UK and also overseas – in the business and consumer sectors as well as in local and central government.

The Institute aims to promote and protect the success of a modern vibrant economy and to safeguard the health, safety and wellbeing of citizens by empowering consumers, encouraging honest business, and targeting rogue traders.

We provide information, evidence, and policy advice to support local and national stakeholders.

We have also, as part of our recently revised remit, taken over responsibility for business advice and education concerning trading standards and consumer protection legislation. To this end, we have developed the Business Companion website (www.businesscompanion.info).

The CTSI Consumer Codes Approval Scheme was launched in 2013, superseding the OFT scheme (www.tradingstandards.uk/advice/ConsumerCodes.cfm).

CTSI is a member of the Consumer Protection Partnership, set up by central government to bring about better coordination, intelligence sharing and identification of future consumer issues within the consumer protection arena.

We run events for both the trading standards profession and a growing number of external organisations. We also provide accredited courses on regulations and enforcement.

A key concern for CTSI is that of resources. UK local authority trading standards services enforce over 250 pieces of legislation in a wide variety of areas. They have suffered an average reduction of 40% in their budgets since 2010 and staff numbers have fallen by 50% in the same period.

This response has been composed by CTSI Lead Officer for Animal Health, Steph Young. Should you have any queries or wish to discuss the response please do not hesitate to contact Steph at loanimalhealth@tsi.org.uk

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The Farm Regulators' Charter

Response by the Chartered Trading Standards Institute – May 2016

The Chartered Trading Standards Institute (CTSI) welcomes this initiative and broadly supports the initiative to develop a new Farm Regulators' Charter. We have been working with the Association of Chief Trading Standards Officers (ACTSO) to ensure their views have also been considered on this matter.

Our comments on the charter are as follows:

The source product information within the product description has not considered either the responsibilities of the food law code of practice and the associated practice guidance (notably for primary production and milk controls for TB), or the protection of freedoms code of practice with regards to powers of entry (this is only applicable for BIS legislation but may still be required depending on the nature of the inspection).

1. Forward

The Institute question whether Farm Assurance inspectors should be included in the definition of 'regulator'? This is self-regulation by a 3rd party who is verifying a level of conformity to regulation on a farm. As such, is it not reasonable to expect that this charter governs the actions of all who go on a farm to regulate? With regards to the intention of reducing the regulatory burden by *'increasing the use of information from third party assurance schemes and further develop existing Earned Recognition schemes in order to further reduce the need for Farm Regulators to visit farms,'* we suggest that there is a need for those who audit as part of any assurance scheme to be drawn into the provisions of the charter.

It also needs to be made clear within the forward which types of inspection the charter relates to, and that complaint-led enforcement or surveillance for disease may be excluded from the scope. We are concerned that the charter appears to us to be focussed more towards programmed inspection yet this is not clear to the reader.

2. Core Principles of the Farm Regulators' Charter

*'To provide a set of core principles that **all** Farm Regulators **will** adopt in their approach to farm visits'.*

The Institute is concerned about the extent of the circulation of this document as to the word 'all'. There is no reference in the charter to all regulators who may have a role on a farm including, metrology, petroleum licensing, planning, highways, rangers and extraction / environmental controls which are all undertaken as a statutory responsibilities. We therefore don't believe it is appropriate to use this wording.

We also have concern over the use of the word 'will' – this is a non-statutory charter without legal basis and as such we suggest 'will' should be replaced with the word 'may' to reflect that.

3. Core Principles of the Farm Regulators' Charter

i. Co-ordination of Farm Regulators

'By 2020 the aim is to have a Single Farm Co-ordination Unit which will co-ordinate all farm visits carried out by Farm Regulators. This will improve the farm visit co-ordination capability in England by ensuring that the Farm Regulators work more effectively and efficiently together thus reducing the burden placed on compliant farm businesses.'

A single farm co-ordination unit will work towards ensuring that any intelligence or data gathered by Farm Regulators is used in an effective and co-ordinated manner to target those non-compliant businesses’.

We believe there is a need to be mindful on how this section is worded in order that you are not mis-informing the industry and their expectations of who the single farm co-ordination unit are; co-ordination is different to inspectorate and with the media referencing a single farm inspectorate we feel the charter needs to be clearer on the difference between these two areas.

v. Reasons for visits

This paragraph appears to be very much focussed towards livestock premises and whilst there is some mention of plant health we believe that this paragraph needs to have a little more reference for the need to visit arable premises.

vi. Who will carry out the visit?

*Where appropriate Farm Regulators **will** carry out their visits by prior appointment – As above, we believe the ‘will’ should be replaced with ‘may’*

*At the time of the booking the Farm Regulator will explain clearly the purpose of their visit and **will** send additional information to provide a summary of the purpose of their visit – Again, we feel ‘will’ should be replaced with ‘may’.*

vii. Competency of inspectors and their conduct

*All Farm Regulators will review the ‘training’ needs and CPD requirements of their Inspectors on an annual basis and Inspectors will receive relevant on-going **training** to ensure they remain fully competent - We feel the word ‘development’ would be more appropriate than ‘training’ in this paragraph.*