

Standards and accreditation



Tools for policy makers and regulators



Department for
Business, Energy
& Industrial Strategy

bsi.



Introduction

Standards and accreditation are market-based tools that can be used by Government policy makers and regulators to deliver better and outcome-focused regulation. These tools are not as widely known and understood, or used, as they should be. This handbook is intended to assist all those involved in policy development and delivery including Government Departments and regulators. It provides an overview explaining why and how these tools could be used by Government and the regulatory environment as an alternative to regulation to deliver desired policy outcomes.



What are standards and accreditation?

- **Standards** are simply an agreed way of doing something; they capture current good practice through trusted processes involving all relevant stakeholders
- **Accreditation** determines the technical competence and integrity of organisations offering conformity assessment services such as testing, certification, inspection and calibration. Accreditation can thus be used to verify conformity with a standard.

Benefits of using standards and accreditation

- Standards and accreditation offer a business and consumer friendly alternative to regulation, or can support regulation and enable its simplification. They are already being used to aid policy delivery across a wide range of Government activities
- Using standards and accreditation can ease pressure on the legislative process and reduce implementation costs for Government
- Standards and accreditation can support risk-based regulation by providing information to help target Government intervention where it is most needed
- Standards and accreditation have the necessary legitimacy and degree of market acceptance to be used as tools to support policy delivery due to their openness, independence and stakeholder involvement.

Standards and accreditation – tools for policy makers and regulators

Government manages and refines the regulatory stock to ensure that the regulation which remains is smarter, better targeted and less costly to business. This process also involves considering and promoting alternatives to regulation where they can best contribute to business growth while protecting citizens and the environment.

In this context, standards and accreditation play key roles as effective, market-led delivery mechanisms for Government policies. Standards and accreditation are increasingly used across a wide range of Government policy areas to support outcome based regulation including technical product safety, good governance, climate change, energy, fair markets and public confidence. However, greater use could be made of these important policy tools through a more considered analysis at an earlier stage of the policy making process of how they might be deployed.

How can standards and accreditation help to deliver Government policy?

Regulation may be an appropriate solution when bringing about change, for example to address market failures and to set minimum requirements. It can, however:

- be expensive to develop and enforce legislation
- fail to deliver the intended result
- be intrusive to business and restrict innovation.

There will be cost in order to achieve any desired benefit from regulation. Policy professionals therefore have to assess carefully which option will provide the best value for money and the best outcome, or whether Government intervention is required at all.

Standards and accreditation provide the policy maker with alternative tools to regulation. Standards that form the basis of industry self-regulation, combined with accredited conformity assessment to give the highest degree of confidence in compliance where required, can produce benefits for all parties, with a cheaper and more effective basis for the adoption of best practice.

They can be used in a number of ways, including:

- **Self-regulation**
- **Earned recognition**
- **Co-regulation.**

Self-regulation

This is an approach undertaken by those businesses that voluntarily agree to meet certain standards. Self-regulation can be used where there is a need to reassure markets on the conduct of business but where there is no desire by Government for regulatory intervention. For example, an industry or profession might choose to develop and adopt its own code of practice promoting ethical conduct. Government can encourage the use of standards to deliver policy, or indeed may wish to sponsor the creation of a standard for a particular purpose, such as a Publicly Available Specification (*see page 9 for more details*). Government might also work with an industry to develop a code of practice or a means of determining compliance that involves other parties in setting standards and authorising the activity. Examples include:

- customer charters
- codes of conduct
- approved or recognised codes
- voluntary agreements.

Standards developed in support of self-regulation can be supported by accredited conformity assessment if greater assurance of compliance is required e.g. if there are serious health and safety implications.

Case study – Combating Legionella

- The Health and Safety Executive approved code of practice on the control of Legionella requires employers and landlords to carry out a risk assessment, undertaken by a ‘competent person’
- BSI has developed a standard for Legionella risk assessment (BS 8580: 2010)
- Businesses use BS 8580 to ensure that they comply with the HSE code of practice
- UKAS accredits inspection organisations to assess against BS 8580
- Businesses and HSE can have confidence in the risk assessments carried out by accredited inspectors.



Earned recognition

Companies that demonstrate compliance with standards may ‘earn recognition’ from regulators, who trust them to comply with their legal obligations. This enables regulators to reduce oversight and inspection visits.

‘Earned recognition’ can achieve the same or better outcomes as regulation, but on a voluntary basis. In this way, the cost of regulation is reduced for both the state and the regulated business.

Case study – Environmental management

- BSI developed the Environmental Management System standard ISO 14001 as a business management tool
- Accredited certification bodies certify those businesses that comply with the standard
- The Environment Agency recognises the value of accredited certification to ISO 14001 and gives credit under the Integrated Pollution Prevention and Control legislation resulting in:
 - Reduced environmental levies for businesses
 - Reduced inspection requirements.



Co-regulation

When a co-regulatory approach is used, Government sets the top level regulatory requirements in broad terms of performance and leaves the market to define how these general principles should be met in terms of technical solutions. In some cases, the use of standards is referenced in regulation as a way of achieving compliance. In others, the market itself may decide to develop standards for their own guidance on the technical state of the art and thus assist with compliance.

The co-regulatory approach has been used both in the UK and Europe, most notably for product regulation (Under the “New Legislative Framework”, previously known as the New Approach) where over 4,000 standards are used to support performance based regulation. Accreditation is used to ensure the competence of those organisations that deliver conformity assessment services for businesses under this legislation (‘Notified Bodies’).

In line with the World Trade Organization’s Technical Barriers to Trade Agreement (WTO TBT Agreement), compliance with the regulation is mandatory, but compliance with standards remains voluntary.

Case study – Electronic Identification and trust services for electronic signatures

- The eIDAS Regulation (Regulation (EU) 910/2014) requires auditing of Trust Service Providers (TSPs – bodies providing digital certificates creating and validating electronic signatures) by a certification body accredited by UKAS to the requirements of ISO/IEC 17065 – the international standard for organisations certifying products, services or processes
- BSI brought together key stakeholders to represent the UK’s interest in developing the standard
- UKAS worked with the Information Commissioner’s Office to produce guidance for the implementation of eIDAS in the UK
- UKAS accredits certification bodies to certify TSPs under the ETSI (European Telecommunications Standards Institute) standards for the operation and certification of TSPs which were designed to meet eIDAS
- Government and consumers can have confidence in TSPs without direct Government intervention.



Other areas in which standards and accreditation are used to deliver Government policy include:

- Biometrics and forensic science for the Home Office
- Food safety and quality for the Department for Environment, Food and Rural Affairs and the Food Standards Agency
- Carbon foot-printing for the Department for Business, Energy and Industrial Strategy
- Competent person schemes under the Building Regulations for the Ministry of Housing, Communities and Local Government
- Competence of gas installers for the Health and Safety Executive
- Medical laboratories for the Department of Health
- Welfare of greyhounds at racing tracks for the Department for Environment, Food and Rural Affairs
- General Data Protection requirements for the Department for Digital, Culture, Media and Sport.



What are standards and accreditation?

Standards

Standards are market-defined solutions that capture current good practice and encourage its use throughout the economy. They are developed on the basis of consensus of all interested parties, are subject to unrestricted open consultation and undergo systematic review to ensure their continuing validity.

Standards are of themselves voluntary, in that there is no obligation to apply them or comply with them; in a few cases their use can be made mandatory by regulatory instruments. They are tools devised for the convenience of those who wish to use them.

Standards help to:

- facilitate international trade, particularly by reducing technical barriers
- provide a framework for economies of scale and interoperability
- enhance consumer protection and confidence
- support public policy objectives, and where appropriate offer effective alternatives to regulation.

Standards take a number of forms including specifications, codes of practice, guides, test methods, vocabularies and classifications. Standards may be national (British Standards: BS), European (EN) or international (ISO/IEC). In addition to this a BSI Publicly Available Specification (PAS) is a fast-track document that can be funded by industry, trade associations or Government departments and is still produced on the basis of public consultation and consensus.

Case study – PAS 7100:2018 Code of practice on consumer product safety related recalls and other corrective actions

- The Department for Business, Energy and Industrial Strategy (BEIS) commissioned BSI to develop a PAS. This followed on from an independent review that identified that consumer product recalls typically only recover about 10% to 20% of targeted goods
- BSI brought together key stakeholders including regulators, manufacturers and consumers to document good practice
- The Code of Practice PAS includes guidance for manufacturers, importers and distributors on how to put in place plans to manage large scale product recalls. It also provides advice to regulators on how to work with businesses to support product recalls.

What are standards and accreditation? *continued*

Accreditation

Accreditation determines the technical competence and integrity of organisations offering testing, inspection, calibration, verification and certification services (collectively known as conformity assessment).

Accredited conformity assessment can then be used to assess conformity with a standard.

Accreditation offers a single, transparent and repeatable approach which

- builds business and consumer confidence
- is voluntarily embraced by business and other service providers
- enables innovation in the private and public sectors
- reduces the need for central and local government to employ its own specialist assessment personnel, and
- moderates the need for legislation.

Accreditation is an on-going business process to establish that:

- the evaluator is impartial
- the evaluator is technically competent
- the resources and facilities are appropriate
- the evaluator's performance meets the required standard, and
- the evaluator's standard of performance can be sustained.

More case studies illustrating the value of accredited conformity assessment to government officials and regulators can be found at www.publicsectorassurance.org

BSI and UKAS

BSI

BSI is a non-profit distributing Royal Charter Company and the world's first National Standards Body, founded in 1901 as the Engineering Standards Committee. BSI is recognised by UK Government as the UK's National Standards Body (NSB); this status is formally codified in a Memorandum of Understanding (MoU). The MoU also recognizes BSI's status as the UK member of the international and European standards organizations (ISO/IEC and CEN/CENELEC respectively). BSI is also a signatory to the Code of Good Practice for the preparation, adoption and application of standards, Annex 3 to the WTO TBT Agreement.

UKAS

As the national accreditation body, UKAS is the only body recognised by Government to assess organisations carrying out conformity assessment activities against internationally-recognised standards. UKAS is itself regularly reviewed by its international peers.

UKAS:

- is a non-profit-distributing company limited by guarantee
- has over 40 years' experience
- operates under a MoU with BEIS
- represents the UK in three international accreditation fora negotiating mutual recognition arrangements that help to reduce barriers to trade.



Contacts for further information

If you think that standards and/or accreditation could help you in your work on better regulation, further information is available from:

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