

UNITED KINGDOM ACCREDITATION SERVICE

POLICY ADVISORY COUNCIL

Minutes of 25th Meeting held on Tuesday 5th November 2019 At UKAS

Present

Ron Gainsford (Chair)	Chartered Trading Standards Institute
Carol Stewart (CS)	British Measurement & Testing Association
Daniel Mansfield (DM)	British Standards Institution
Sue Brand (SB)	Care England
Sarah Veale	Non-Executive Director
Richard Sanders (RS)	Department for Business, Energy and Industrial Strategy
Dr Stefan Kukula (SK)	Engineering Equipment & Materials Users' Association
Chris Rowe (CR)	Health and Safety Executive
Chris Elliott (CE)	Ministry of Defence
Wayne Terry (WT)	Association of British Certification Bodies
Matt Gantley (MG)	UKAS
Lorraine Turner (LT)	UKAS
Hugh Taylor (HT)	UKAS
Suzi Daley (SD Sec.)	UKAS

1- Welcome, Apologies

The Chair welcomed members to the 25th meeting of the UKAS PAC. Apologies were received from Andy Evans, Estelle Clark, Dave Thomas and Sarah Smith. **CE** and **RS** represented the MOD and BEIS respectively. **The Chair** informed the PAC that Sarah Smith (Deputy CEO, Office for Product Safety and Standards, BEIS) had sent her apologies due to an appointment at Buckingham Palace to receive an OBE and asked **RS** to pass on the PAC's congratulations. **The Chair** also welcomed the BSI's new PAC representative, **DM** who will replace Steve Brunige.

2- Minutes of the 24th Meeting of the Policy Advisory Council

PAC/15/19

SD reported that no comments had been received on the draft minutes circulated. **The Chair** expressed his gratitude for Andy Evan's Chairmanship of the July PAC in his absence. A couple of minor typos were identified on page 6 (since amended).

WT asked about any developments following the discussion on cost of UKAS accreditation at the last PAC (item 5.1) specifically with regard to cost comparison work being undertaken by UKAS. **MG** outlined the EA/BAM benchmarking exercise underway which includes accreditation costs charged by national accreditation bodies and offered to share the findings from the previous report with PAC and new interim findings when they are ready.

In response to **the Chair's** question about the benefits of this work, **MG** explained that it was looking at the cost structure methodologies used by different NABs rather than the price and would provide opportunities for NABs to learn from each other and share best practice, so this was where its real value lay. He added that this work was relevant to the SME focused discussions at the UKAS AGM that took place on 15 October 2019 which identified the need for UKAS to better serve SMEs; this will be further discussed at the next UKAS Board meeting on 12 November.

[Action: SD to circulate details of the previous report and current work, including interim findings and key milestones once available.]

LT responded to action points numbers 7 and 8. With regard to action point 7, she confirmed that the 'risk assessment' referred to in the Eurolab report referred to the risk based approaches that *Accreditation Bodies* take in conducting their assessments. With regard to action point 8 the UKAS official who attends the BSI GEL210/11 EMC Standards Committee Meeting was not confirmed at the time of the meeting [post meeting note: this has now been confirmed as Clare Bate and not Alex Penfold].

3- Matters Arising

3.2 Non accredited certification (3.1)

WT informed the PAC that the final statement had been agreed and endorsed by a number of Government Departments, agencies and organisations but that we were still awaiting final signoff from the Cabinet Office. However, CE and CR expressed concern that they hadn't seen the latest version so it was agreed that this would be recirculated to PAC Members.

[Action: SD to circulate with minutes].

A discussion followed on the best way to involve Government Departments in disseminating the messages in the statement and **the Chair** reiterated the importance of a greater role for Trading Standards Offices (TSO) at local authority level. HT outlined a case in point whereby Bournemouth, Christchurch and Poole (BCP) Council is currently working with UKAS and OPSS to resolve an issue with an organisation disingenuously offering 'accreditation'. Specifically, OPSS is seeking legal advice as the indications are that this organisation is misleading the legality of its services. **The Chair** advised that a proposed three way meeting between OPSS/UKAS and the organisation involved should also include BCP Council's TSO. He also advised that UKAS should seek a Primary Authority¹ relationship with Surrey County Council as its home local authority. HT confirmed that UKAS is taking this approach.

[Action: HT to update PAC on the request to Surrey County Council re acting as a primary authority for accreditation matters].

CE asked if there could be a potential role for the Intellectual Property Office e.g. could this issue be classified as 'counterfeit certification'? However, the view was that IPO involvement wasn't appropriate at this time. MG mentioned that he was meeting the new Non-operational Board Director of the Federation of Small Businesses. As this issue arguably impacts most on SMEs, he would explore what more the FSB could do to support this work. It was agreed that non-accredited certification and how to counter it will continue to be an ongoing issue for the foreseeable future and should therefore be added to the PAC agenda as a standing item.

[Action: SD to include in future PAC agendas].

Everyone was agreed that the statement needed to be as robust as possible and that current work to clarify the legal position may produce a more strongly worded statement which would act as a greater deterrent to organisations acting disingenuously.

However, in view of the work that had already been done on the existing statement, the number of organisations signed up and the time that had already elapsed day it was agreed that the statement should be circulated in its current form on the understanding that it would be superseded by a revised statement once the legal work was completed. WT asked about a realistic deadline for circulation and it was agreed that this would be by early December.

¹ <https://www.gov.uk/government/publications/primary-authority-overview>

In light of the PAC discussion UKAS will further consider how the statement can be strengthened particularly in the context of recent challenges UKAS has had with organisations purporting to offer equivalent accreditation or accredited services. Whilst acknowledging the importance of the support for this statement from some key players we think this also provides an opportunity to bring more stakeholders on board such as MOD, HSE, Institute of Environmental Management and Assessment, Information Commissioner's Office, Institution of Occupational Safety and Health. UKAS also thinks the value of the statement could be increased if it includes quotes or testimonials from stakeholders which could then be used to promote the importance of accredited certification.

[Action: UKAS to consider how future industry statement on non-accredited certification-can be strengthened].

4- Members Issues

There were no Members' issues raised.

5- UKAS Issues

5.1 Proposed UKAS/Information Commissioner's Office MoU (SD)

PAC/17/19

This paper was not tabled. **SD** set out the background explaining that the MoU was needed to formalise the work UKAS is doing with the ICO to develop accredited certification schemes for demonstrating compliance with the General Data Protection Regulation. Currently final sign off of the MoU is on hold until concerns UKAS has with the section covering Freedom of Information Act requirements (to which the ICO is subject and UKAS is not) are addressed. UKAS has asked the ICO to consider redrafting this section to minimise the risk of ICO releasing potentially commercially sensitive information about UKAS customers into the public domain. Once this issue has been resolved **SD** will circulate the paper and seek approval by email

Regarding other partnerships under development, **SD** also mentioned the UKAS/Engineering Council MoU which is currently being drawn up to reflect the cooperation between UKAS and the Engineering Council in response to the Hackitt Report recommendations. Once finalised, PAC members will also be asked to consider and approve this paper by email.

This led to a request from the Chair for an update on UKAS' continuing involvement in the Hackitt programme of work. **LT** outlined UKAS's active participation on several of the working Groups and on the Competence Steering Group (CSG) which has recognised the importance of accreditation as a valuable tool to demonstrate competence for all individuals working on Higher Risk Residential Buildings (HRRBs). **RS** highlighted recommendation¹² of the CSG's recently published interim report and consultation² which recommends that all organisations carrying out competence assessments should themselves be subject to oversight by a body such as UKAS or the Engineering Council; adding that BEIS had responded to the consultation supporting UKAS accreditation. **LT** said that UKAS had been working hard to promote the use of UKAS accreditation and accredited conformity assessment to address the needed improvements to competency across the sector. It has been recognised that the EngC also has a role to play as it awards qualifications and recognises the competence of engineers. UKAS and EngC have conducted a comparison between their respective approaches and will work collaboratively to develop assurance activities to support the relevant workstreams. In response to a question on how UKAS would assess the competence of architects involved in the design/ construction of HRRBs **LT** said that appropriate scheme(s) will need to be developed that specify the competency requirements for architects working on HRRBs; there is

² <http://cic.org.uk/admin/resources/raising-the-barinterimfinal-1.pdf>

an existing register for architects that could form the basis of this work. **RG** and **RS** both reiterated the importance of transparency in demonstrating competence across all the relevant professions involved in HRRBs. The post Hackitt work had revealed a need to better join up all the different sub sectors previously been working in isolation thereby creating an important role for UKAS in providing a consensus of approach for demonstrating competence. **LT** concluded by saying that work was continuing and that UKAS was starting to see some interest in developing schemes coming out of the WGs' and CSG's findings.

[Action: SD to circulate UKAS MoUs with ICO and EC once finalised].

5.2 Risk register (LT)

No paper was tabled. **The Chair** invited **LT** to give an update on the key risks. Brexit was identified as the key risk now augmented by the risk from a UK/US trade deal which could include a US bid to open up the UK market to accreditation by US accreditation bodies. More generally there remains a risk from non-UKAS accreditation as illustrated by approaches made to UKAS customers from other accreditation bodies (see agenda item 3.2). Other risks highlighted were:

- Potential reputational impact of moving UKAS assessment model to a more risk based approach i.e if UKAS is conducting fewer assessments will we be perceived as being less rigorous ?
- Implementation of new IT System – still ironing out a few implementation issues
- Scottish independence – this has been added as a new risk following recent political developments .

It was agreed that it would be helpful for PAC to see a high level risk register at each PAC meeting primarily to identify and comment on any gaps. It was therefore decided that a risk register would be tabled at the next PAC on 10 March 2020.

[Action: LT and SD to note].

6 - Brexit

LT informed the PAC that UKAS remained well prepared for the UK's exit. In response to a question about UKAS' EA position post Brexit she said that the indications and 'feeling' was very positive that the EA is committed to and will work hard to retain UKAS as a full and permanent member. In the unlikely event that UKAS was forced to leave EA, UKAS could consider joining another regional body such as the Asia Pacific Accreditation Cooperation (APAC).

Secretary's note:

The EA General Assembly has amended its Articles of Association that would allow an AB to continue its membership for up to two years in the event that it was not able to meet the conditions of membership. This would be activated in the event of a 'no deal' exit. If this were required, EA will seek to amend its AoA again during the two year period to seek a permanent solution that enables UKAS to retain its EA membership.

7 – Reports

7.1 UKAS Board Report

MG reported on the issues discussed at the last UKAS Board meeting on 16 July and gave an overview of the September Management Accounts:

- September Management Accounts and financial performance (15157 assessment days, £1.5m profit year to date).
- Update on UKAS Strategic Plan/UKAS priorities.
- Review of Balanced Scorecard.
- Employee engagement – recruitment and retention identified as an issue which needs to be addressed.
- Customer portal
- New project on digital reporting which will ultimately link to the customer portal.
- Consultation on new accreditation certificate database.
- Investment Strategy – UKAS is looking at investment opportunities using returned earnings.
- Health and Safety Committee Report – no major incidents.
- Board effectiveness. This work using the PWC framework to rate Board Members' effectiveness is ongoing.

MG also reported on the recruitment of a new Resources Manager and the appointment of a new Non-Executive Director to the Board, Philip Rycroft who until earlier this year was Permanent Secretary at the Department for Exiting the European Union. Philip's appointment was ratified at the UKAS AGM on 15 October.

In response to a request for a request for a summary of the UKAS AGM, **MG** said that he would circulate the key points of the AGM strategic discussion.

[Action: SD to circulate summary after AGM minutes have been circulated].

With reference to the issues around recruitment and retention, **CS** asked why the shortage seemed to be most acute in the construction and engineering sectors? The shortage couldn't be attributed to any single reason, although other PAC members cited certification bodies seeking employees with similar skills as a factor.

7.2 Operations Activity Report May- August 2019

PAC/18/19

CE asked why names of UKAS officials were not included in reports . However, the general view expressed was that members didn't need to know the names of individual UKAS employees who had attended meetings, conducted relevant activities etc as it is not relevant to the reports overall. It was therefore agreed that names wouldn't be included per se but that UKAS could provide any names on request.

SK asked if the ISO 45001 implementation handbook for small organisations had been approved (page1,para 4 refers) it was confirmed that it had been finalised at the ISO meeting in October.

7.2 BEIS International Programme activity reports April-September 2019PAC/19/19
PAC/21/19

CR asked how important is it that UKAS retains its positions on ILAC/IAF international committees? **LT** said that UKAS regards this as very important and added that UKAS will maintain our contacts through committee representation. UKAS is currently thinking about its international engagement strategy specifically the balance between EA and ILAC/IAF. **The Chair** added that it was important to get the message out that we are leaving the EU not Europe and that UKAS, as the UK's national accreditation body enjoys an excellent reputation internationally. Standards and technical processes will remain the same and it will be important to keep returning to that message. **WT** added that as an observer at the most recent IAF meetings in Frankfurt, he witnessed the high esteem in which UKAS is held by EA and IAF Members.

7.4 Development and Technical Activity Report May-Aug 2017

PAC/20/19

There were no comments on this report.

8- Any Other Business

RS informed PAC that he had seen a restricted Commission policy paper on a possible EU/US trade deal and asked if UKAS could provide some briefing on US accreditation bodies in readiness for future trade discussions.

[Action: SD to liaise with RS and UKAS colleagues on material to be provided].

SB raised the continuing crisis in adult social care and drew members' attention to the Parliamentary Review of Health and Social Care to which Care England has been invited to contribute. She asked also about any further accreditation developments in the health and social care sectors to which **LT** responded that UKAS would shortly be accrediting an organisation which certifies training providers for individuals working with people with learning difficulties; otherwise there wasn't much change in the landscape. **SB** concluded by informing the PAC that RDB Star Rating had been shortlisted as finalists in the UK Business Awards³.

Secretary's note:

Following this meeting UKAS is delighted to report that RDB Star Rating was a bronze winner in the Business Change or Transformation award category.

The Chair informed the PAC that his second three year tenure as PAF/PAC Chair would end on the date of the next PAF on March 10. He added that he would be more than willing to continue in the role for a further three years if members were content with this, but the opportunity should be opened up to allow for any nominations from other PAC/PAF members.

[Action: PAC Members to let Secretary know if they wish to nominate themselves or representatives from their constituencies for election to the post of PAC/PAF Chair by 31st December].

9- Next meetings

³ <https://ukbizawards.com/>

The Chair confirmed the following meetings:

- **PAF/PAC Tuesday 10 March 2020 (IET, Savoy Place, London)**
- **PAC: Wednesday 8 July 2020 (Royal College of GPs, Euston Square)**
- **PAC : Tuesday 24 November 2020-date tbc (UKAS Staines)**

It was agreed that wherever possible future PAC meetings should be held after UKAS Board meetings .

[Action SD: to ensure future meeting dates reflect this].

The meeting concluded with a presentation of a retirement/thankyou gift to **CE**, to thank him for his longstanding contribution to PAC.

Secretary's note

CE formally stood down as the MoD's PAC representative in March but attended this meeting in place of Dave Thomas.

Number	Date raised	Topic	Action	Owner	update
1	5/11/19	UKAS cost benchmarking exercise	Circulate Summary of interim results.	SD	To be circulated when available.
2	5/11/19	UKAS to seek Primary Authority relationship with Surrey County Council and update PAC	Write to Council for introductory discussion.	HT	Since done – Surrey Council has responded and will suggest dates for initial discussion. UKAS will inform PAC of outcome
3	5/11/19	Industry statement on non-accredited certification.	circulate current statement on non-accredited certification.	SD	Circulated with these minutes

			Work to continue on strengthening statement	Jon Murthy/ Mark Bohun	Ongoing
4	5/11/19	Non-accredited certification.	Include this item as standing agenda item on future PAC agendas.	SD HT/MB	Ongoing.
5	5/11/19	UKAS/ICO MoU	UKAS to circulate related bodies paper once issues resolved with ICO.	SD	Circulated for PAC comments with these minutes.
6	5/11/19	UKAS/EC MoU	Circulate MoU once queries are resolved.	LT/Malcolm Hynd	Awaiting final clearance of draft MoU by UKAS Exec.
7	5/11/19	UKAS Risk register	High level risk register paper to be tabled at each PAC	LT	SD will note this for the next PAC on 10 March.
8	5/11/19	UKAS AGM	UKAS to circulate summary of key points from AGM Strategic discussion	MG	SD will circulate after AGM minutes have been circulated .
9	5/11/19	OPSS request for briefing on US accreditation bodies.	UKAS to provide briefing	SD	Since done (sent on 18/11)
10	5/11/19	Future PAC meeting dates	Future PAC meeting dates to be scheduled after UKAS Board meetings.	SD	Ongoing.
11	5/11/19	Election for PAF/PAF Chair	PAC Members to inform UKAS of any nominations from their constituencies for election to	SD-	PAC Members to respond by 31st December

			the post of PAC/PAF Chair		
12	5/11/19	Date of November 2020 PAC Meeting	PAC Members to notify SD of their availability for proposed date of 24 November	SD	PAC Members to respond by 31 December