

Minutes of RFPS Oversight Board (OB) meeting 04/06/2018

Attendees	Organisation	Sector
Martyn Boyers	OB Chair and Grimsby Port	Port
Pete Bromley	Sutton harbour	port
Celia MacKenzie	Whitehaven Port	Port
Jonathan Shepherd (JS)	Seafish Board	Seafish Board
Laky Zervudachi	Direct Seafoods	Retail
Mike Mitchell	Young's Seafood (Representative)	Retail
Martin Gill	Acoura (Certification Body)	
Sam Peacock (SP)	RS Standards Ltd.	Consultant
Michaela Archer (MA)	Seafish	
Marcus Jacklin (MJ)	Seafish	
Apologies		
Nick Kightley	Ethical Trading Initiative	
D-J McRobbie	Don Fishing	Port

1. Introductions

All were welcomed to the meeting.

2. Administration and updates

Previous minutes were accepted with one minor amendment, the removal of Michaela Archer's name from the attendees.

MJ provided an overview of progress since the last meeting. In summary, these include revision to the Standard, feedback from public consultation, inclusion of GDPR, and approval by Seafish Board.

3. Administrative proposals

3.1 Proposal to merge the RFPS Technical Committee and Oversight Board.

MJ outlined a proposal to merge the Technical Committee and Oversight Board due to an overlap in membership and reduced attendance at individual group meetings. The merger would help reduce duplication of meetings held to date and save members' time. Also, there was less need for a separate technical committee, as the large ports scheme has been finalised as version 1, further justifying combining the two groups going forwards. The proposal was to merge the groups into a Technical Oversight Board. If supported, the proposal would go the Seafish Board for approval, as it's a change to formal governance. Once approved, the two groups would be merged formally; in the meantime, the two groups will be merged informally.

Discussion

JS queried whether merging the two groups might lose the key functions of the groups (strategic and technical advice). This was not considered a risk as the functions would be merged effectively, with a new ToR for the new group. Another suggestion was to better differentiate the two groups, with CM suggesting that having multiple groups would be difficult to manage, especially when the small ports work comes on stream. MM suggested an appropriate name for a combined group would be the Oversight and Technical Board.

Members agreed to merge the Technical Committee and Oversight Board to form the Oversight and Technical Board (OTB).

3.2 Proposal to create Small Ports Sub-Committee

MJ explained that, to date, the RFPS process has focussed on large ports. It is proposed to develop a small ports sub-committee, comprising expertise from the small ports sector, which would report to the new OTB. A new ToR for the sub-committee would be established. This would help the development of the small ports standard, where specific technical expertise will be required for their specific requirements.

Work on small ports is scheduled to start in September but, in the meantime, the secretariat (Seafish) would be looking for members for this sub-committee.

Members agreed to the creation of a small ports sub-committee.

4. RFPS Auditor guidance

SP explained that the focus to date had been on the development of the Standard but that there was a need for detailed auditor guide to ensure auditors would be consistent across the UK. A draft auditor guide had been developed and was presented for review. Much of the guidance relates to non-conformities (NCs), which is where a clause is not met fully.

4.1 Definition of minor and major non-conformities

SP advised that the auditor guidance has been developed around four levels of conformity: critical; major; minor and full compliance, which is standard practice. For each clause of the Standard, definitions for each conformity level are provided, where applicable, and interpreted for the auditor.

Minor non-conformities – it was proposed there should no limit on the number of these; however, they would need to be corrected by the time of the next surveillance audit (12 months). If not corrected within that period, they would become major NCs. Ports would have to advise the certification body of their plans to tackle minor NCs.

JS asked whether a critical rating would result in a certificate being revoked. MG advised if it were part of an initial audit, the port wouldn't be certified. If already certified, the port's certification would normally be suspended pending investigation.

JS expressed surprise that a port could have numerous minor NCs and still be certified. MG explained that the standard holder has the ability to specify levels of non-conformance.

CM advised that the process was iterative and about seeking to improve practices, rather than being too onerous from the outset.

MB advised that, at the recent BPAFPG meeting, the development of the small ports scheme had been considered more problematic (compared with the large port standard) due to variability in the ports themselves as well as their large number. Small ports were concerned that an inability to achieve the requirements of the standard would exclude them from the scheme and have the potential to imply they were not responsible. OB members suggested this would not be the case. The question arose about how to develop criteria that would enable them to be certified. Small ports saw some merit in having a scheme but it will be challenging as some are very simple operations.

MG explained that certain criteria would be applicable to all small ports, whereas other criteria might not; for example, the small ports standard could have 50 clauses but only 10 might apply to a simple landing stage. MJ suggested that the scheme would be about determining the requirements of being 'responsible' in context of the activities being carried out at a facility. MB highlighted a need for the least number of meaningful requirements.

Major con-conformities – SP advised that this is failure to meet a requirement in a substantial way. If detected during a pre-audit, a major NC would need to be corrected before the on-site audit. The applicant port would have 28 days to provide evidence that it had been corrected. Uncorrected major NCs would result in a port not being able to be certified.

MM queried whether it is explicit that a minor would change to a major if the second audit revealed that it hadn't been corrected. MG advised that this eventuality would result in a fail.

MG explained that an on-site audit would reveal the extent of any minor and major NCs.

JS advised that the OTB would need to review this as the scheme progresses.

SP said that ports could have a large number of NCs and still be certified. Major NCs would need to be corrected before certification. If a port were unable to rectify a major NC, it would fail to be certified. If a minor NC weren't corrected within 12 months, it would change to major NC and certification couldn't be renewed.

PB questioned potential for inconsistency between auditors and whether there was an appeals process. MG advised there was an appeals process and auditors would be checked; for example, an audit report would be given to another auditor to review. In addition, a port would have the opportunity to review/challenge the report.

PB said that sometimes timescales can be challenging; for example, if a port were reliant on a funding application to resolve areas of non-conformity. If the port were waiting for a funding decision on planned work, would there be an opportunity to extend the deadline. SP explained this isn't within scope at present. MG said that if it were a major NC that wasn't rectified within 28 days, then certification would be withheld; if it were a minor NC, they would have a year. There could be flexibility but it would need to be considered by the standard holder. MA advised that it should be possible, if an auditor were able to see a copy of a grant application.

MG explained the pre-audit would identify any significant issues and the auditor would suggest whether there was any point in progressing to the on-site audit stage. The approach with a pre-audit was considered useful to identify any major issues.

SP explained that a number of clauses have been developed to ensure they are not overly onerous and that the scheme will be reviewed as it progresses. Currently, initial review stages are scheduled after the first 2-3 audits and the finding will be referred to the OTB, and a full review two years following the launch of the scheme.

4.2 Highlighted clauses – Auditor Guidance

SP explained that the guidance was extensive and detailed, and that its development is expected to be iterative, based on feedback which will be sought on an ongoing basis. SP referred to a number of specific examples to explain the definitions of conformities in the context of types of clauses and guidance provided. The examples were presented with a view to the OB agreeing with the structure and content of the guidance.

Example 1 was an example of the general approach applied in relation to hygiene and health and safety.

MM queried whether pooling water on the floor is included. CM suggested that for each section, we should have a number of conformances.

Example 2 was an example of a clause where auditors would need to use judgement. It was highlighted that the purpose of this document is to try to provide clear guidance to limit the risk of inconsistency.

Example 3 highlighted an example of clauses that can be observed only during an on-site audit by the auditor. In this example, the auditor would assess whether gloves were old, worn out or dirty. A major NC would be where no gloves were being used (due to risk to personal safety), whereas a minor NC would be worn out gloves or if replacements were not available.

LZ queried the risk of, in this example, equipment being replaced immediately prior to the audit, and whether backup evidence would be available to assess this?

MG advised that auditors become aware of the potential for these types of action which become obvious. While a once-per-annum audit might be considered a limitation, it is difficult to 'fool' auditors, and people get found out.

Example 4 was an example of a clause where there are specific references to record keeping. A major non-conformance would be a lack of records; whereas a minor would be records which were not up to date. In some cases, there are minors that could be completed in 12 months e.g. records only for the last year. SP highlighted the impossibility of creating records that hadn't been kept e.g. records over the last three years, and advised that flexibility had been built in to the guidance.

Example 5 was an example of a clause that has only major or minor NCs; for example, provision of minimum wage is an absolute. SP advised there were few examples of this nature.

Example 6 was an example of a clause that has no major NC in the first audit. SP advised there were few of these clauses. If not rectified within 12 months, the minor NC would convert to a major NC.

Discussion

JS asked about the clause on workers aged under 16 years. MA advised that workers younger than 18 years old are classed as 'young persons' and need specific considerations; for example, additional risk assessment.

MM had concentrated on the major/critical definitions of the clauses. He highlighted inappropriate levels of severity in two examples (eg clause 1.4.5, 'critical' if pest infestations evident in relation to drainage; and clause 1.6.4 policy on eating and drinking, 'critical' if smoking/drinking is observed.), advising that these situations occur. He proposed revising the wording to ensure guidance wasn't too onerous or able to be interpreted out of context, especially with critical NCs.

MB highlighted that some issues are ok where a port has controls over all activities but can be difficult where a port has no control over activities. MB highlighted potential difficulties with the small port sector, emphasizing the importance of auditor interpretation and judgement and the need for fairness. SP advised that the clauses have been written in a way that enables ports to tailor it to their specific location / situation.

MM said that the pilot audits would have highlighted issues. MG agreed that the 4 pilot audits conducted last year did flag a number of issues for auditors but felt that the standard was a good version with which to move forward. MJ said that the feedback loops after launch will be used to help revise the guidance.

SP asked if the group agreed with the definitions. Members agreed with the definitions, subject to changes proposed by MM and a sanity check of wording used in other critical non-conformities.

5. Other RFPS documentation

5.1 Overview of the supporting documentation

SP referred to other parts of the control manual, which underpin the policies and procedures of the RFPS.

JS queried some of the timescales in the complaints procedures, highlighting where it referred to 2 weeks for Seafish to investigate complaints, or convening a complaints review board within a month by the CB. JS also queries whether verbal complaints would be documented.

MG said that Acoura maintains a full complaints registry, and that complaints received were reviewed and escalated within the CB, as necessary.

SP advised that the review procedures state that the Standard should be reviewed every 5 years. JS considered this too long, and MA suggested that we could review the time period once the scheme has been running for 2 years.

5.2 Application process

SP outlined the application process, which comprises two stages: a remote pre-audit stage followed by an on-site visit.

All agreed with the application process.

CM asked about oversight of the costs and who has that oversight? MA advised that Seafish had been through a public tender process, and that the daily audit cost was one of the considerations. As such, the longer the audit, the higher the cost. Travel and subsistence will be charged at actual cost.

SP said that the pre-audit stage is costed separately as it provides capacity to limit the upfront cost. Ports that didn't provide information in advance would incur higher on-site costs as auditors would have to request and review more information during the visit.

LZ queried whether an auditor would need to return to a site following the identification of a major non-conformity. MG advised that they would explore other options of evidence, such as photographic evidence; however, any visit deemed essential would be payable by the port.

5.3 Strategic development plan

MJ advised that at the last OB meeting, it was agreed to develop a strategic development plan (SDP) to capture additional areas for future consideration – examples included internationalisation, strengthening worker welfare clauses, fishing gear recycling and live holding facilities.

JS considered the SDP document useful and that it covered all areas considered to date. MM agreed that it was good to have these ideas captured for future reference (to ensure they weren't lost). Members agreed that the definition of 'responsible' could be expanded to cover additional areas.

CM suggested that the findings of port audits might help identify additional areas that may currently be missing and that after going through the application process, ports should be asked for feedback to gather/identify any additional suggestions.

JS queried whether KPIs were being proposed. MA confirmed that Seafish have a stated KPI of '3 ports in application by end of financial year', which was based on the length of time it might take for a port to become certified. Also, there will be specific KPIs for the relationship between Seafish and the CB, plus overall delivery tracking by the CB to ensure Seafish is able to track progress and share the information.

In response to LZ querying the number of port wishing to apply, MJ confirmed that several had expressed interest.

MM highlighted the necessity to retain a focus on the UK but suggested the need for a long term view of the internationalisation context.

MA highlighted, in context of internationalisation, at present, that Seafish is committed to developing and rolling-out this scheme for UK ports. When launched, Seafish will have a communications plan to publicise the scheme. The international context is very different and brings in a whole host of other dimensions that don't apply at present. There has been no discussion within

Seafish about any plans to internationalise the scheme or follow the same route as RFS in respect of requiring another provider to develop the international aspect. Seafish remains committed to supporting the RFPS for the remainder of this corporate plan (2018-21).

6. Next steps

MJ summarised the next steps, as being:

- Launch large ports standard planned this Summer.
- Secretariat to attend first 3 on-site audits.
- Tweaks to guidance and procedures will be made based on the first audits and presented to the TOB for approval.
- Application guidance will be developed to support applicant ports.
- Development of small ports standard will begin in September.

7. Any other business

JS asked how many large ports there are in the UK. MJ advised there are about 30 but they account for 60%+ of domestic landings.

MB and MM expressed his thanks to MJ, SP and MA for the work to date.

MA thanked the OB members for their work and efforts in getting the scheme to this point.