

Global Standard Agents and Brokers, Issue 3

AB310: Position Statements for Issue 3

Document Scope:

During the lifetime of a published Standard the BRCGS Technical committee may be asked to either review the wording of a clause in the Standard, provide an interpretation for a requirement or rule on the grading of non-conformity against a clause. Any such judgements are defined in position statements. Position statements are binding on the way that the audit and certification process shall be carried out and are an extension to the Standard. This document contains a summary of the position statements for the BRCGS Standard for Agents and Brokers Issue 3.

Change log:

Version no.	Date	Description
1	14/02/2022	First publication of BRCGS position statements for Issue 3.
2	15/11/2022	Position statement 3 added – changes to unannounced audit protocol for non-audit days and re-audit dates.
3	07/11/2023	Position statement 4 added- Combined audits – clarification of the audit due date in the case of a mandatory unannounced audit

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1. Clarification on scope of certification for agents with limited operations (haulage or shipping agents)

The Standard sets out the requirements for companies in the food, packaging and consumer products supply chain that buy, sell, or facilitate the trade of products and may provide additional services such as the purchase, importation, or distribution of the products, but do not manufacture or process those products.

BRCGS have received enquiries relating to this scope, particularly the definition of 'facilitates the trade' and whether haulage or shipping agents can be certificated. These types of organisations often have limited operations and may not, during the normal course of their business complete all the services referred in the Standard or these activities may be undertaken by their customers.

This Position Statement therefore lists the mandatory clauses (i.e. those clauses which must be included within the scope of the audit and cannot be excluded or considered as 'not applicable'). These mandatory clauses are:

Clauses	Details of the requirements
Section 1	All requirements mandatory.
Section 2	All requirements mandatory.
Section 3	<p>All requirements mandatory.</p> <p>Some agents have highlighted that specifications (section 3.6) are managed by the customer. Whilst it is possible that the customer will manage much of the content and process for specifications, making compliance with these clauses easier for the site, the availability of the information included on a specification is important, since along with product risk assessment (see below) it will be key when developing and reviewing the HACCP or hazard and risk assessment processes. Therefore, the expectation is that specifications are available and up to date.</p>
Section 4.1	<p>Clauses 4.1.1- Mandatory.</p> <p>Clause 4.1.2 states: 'this clause may not be applicable where it is a customer requirement that products are supplied by a specific manufacturer and the liability is with that customer. A record of the customer's requirement for the use of a specific supplier shall be maintained'. Therefore, this clause may not be applicable where the customer has liability and completes the activity. Appropriate documentation demonstrating this shall be maintained."</p> <p>Clause 4.1.3 – Mandatory.</p> <p>Clauses 4.1.4 and 4.1.5 – these clauses are applicable (and must be included) where purchases are made from other agents or brokers.</p> <p>Clauses 4.1.6 - 4.1.8 – these clauses shall apply to all sites where clause 4.1.2 applies.</p>
Section 4.2	<p>Where services are provided - all requirements are mandatory.</p> <p>Where no services are provided these clauses will not be applicable.</p>

Section 4.3	All requirements are mandatory.
Section 4.4	4.4.1- allows that the product verification testing can be completed by the supplier.
Section 4.5	Clause 4.5.1 states that 'where such responsibilities are undertaken by the customer, this shall be clearly stated in the contracts.' Therefore this clause may not be applicable where the customer has liability and completes the activity. Appropriate documentation demonstrating shall be maintained.
Section 4.6 – 4.7	Standard already permits these sections to be not applicable.
Section 4.8	All requirements are mandatory.
Section 4.9	Standard already permits this section to be not applicable.
Section 5	All requirements are mandatory.

2. Clarification of the audit protocol for exclusions from scope and use of the BRCGS logo (protocol section 1.6.2)

Issue 3 of the Global Standard for Agents & Brokers states (protocol section 1.6.2):

'There are two situations where an exclusion may be permitted:

- Certificates are issued to the company for specific office locations (sites). It is permissible for a company to have some offices certified under the scheme and other offices not to be included, or
- The Standard is applicable to three types of products: food, packaging or consumer products. Sites are permitted to exclude a type of product (e.g. consumer products); however, it is only permitted to exclude the entire type of product. It is not acceptable to include some food products in scope and exclude others (e.g. include chilled and frozen foods but exclude ambient foods), or to include some consumer products and exclude others. For example, a site handling both food and consumer products shall have a scope that either:
 - includes all food products and all consumer products, or
 - includes all food products and excludes all consumer products, or
 - excludes all food products and includes all consumer products.

The BRCGS logo can only be used by sites that have no product exclusions.'

It should be noted that the reference to the BRCGS logo specifically states that the certificated office cannot exclude products if they wish to use the logo. Exclusion of specific office locations from the audit scope does not prevent the use of the BRCGS logo, but logo use by the company must not imply products or processes managed by an excluded office are certificated.

All use of the BRCGS logo shall be in accordance with BRCGS brand guidelines (available on the BRCGS website).

3. Changes to the unannounced audit protocol for recertification audit window and number of non-audit days:

To ensure that all BRCGS Standards maintain comparable audit protocol for unannounced audits, BRCGS have made 2 changes to the unannounced audit protocol for Global Standard Agents and Brokers Issue 3. These changes can be summarised as:

- a reduction of the unannounced audit window from 9 months to 4 months.
- a reduction in the number of non-audit days which a company can nominate from 15 days to 10 days.

These changes come into effect on 1st February 2023 (i.e. apply to all unannounced agents and brokers audits starting on or after 1st February 2023).

It should be noted that unannounced audits remain voluntary for agents and brokers and a company can still chose to receive announced, blended announced or unannounced audits.

Therefore, from 1st February 2023 the following text replaces sections 4.1.4 and 4.7 of the audit protocol currently in the Standard:

Section 4.1.4 Nominating non-audit days

The unannounced audit option allows companies the opportunity to nominate 10 days when the company is not available for an audit. The dates shall be provided at least 4 weeks in advance and the reason shall be provided (e.g. planned customer visit). The certification body may challenge the reason where this does not appear appropriate.

Days when the company is not operating (e.g. weekends, public holidays or planned shutdowns for holidays) are not included within the 10 days. Any such days shall be notified to the certification body when opting into the unannounced scheme.

Certification bodies are expected to operate discretion in the case of emergencies.

It is a condition of electing to join the unannounced scheme that the auditor shall be granted access to the company for the audit on arrival. If access is denied the company will be liable for the auditor's costs and will revert to the announced audit scheme. At the discretion of the certification body, the existing certificate may also be suspended or withdrawn.

Sites on a 6-month audit schedule (e.g. sites certificated to the Standard with grade C) may nominate a maximum of 5 days.

Section 4.7 Ongoing audit frequency and recertification - scheduling re-audit dates

The company can choose whether to:

- remain within the unannounced programme, or
- revert to the announced audit programme.

If the company wishes to remain in the unannounced audit programme, the next audit will be unannounced and may occur at any stage within the last 4 months of the certification cycle, including the 28 calendar days before the audit due date.

It is the responsibility of the certification body to ensure that the audit is undertaken within the certification window. Therefore, the late audit non-conformity clause (clause 1.1.10 in Part II) does not apply to unannounced audits.

If the company opts to withdraw from the unannounced audit programme, the next audit will be scheduled to occur within 28 days up to and including the anniversary of the last audit date; this ensures that the maximum time between audits is not more than a year.

In some situations, the certification body may have already scheduled the unannounced audit with a 9 month timescale (for example, to ensure time for planning of visas). To accommodate this, BRCGS will allow certification bodies to complete audits outside the 4 month window but within the 9 month window until 1st July 2023. After this date, all unannounced audits will be carried out within the 4 month window as described in this position statement.

Effective date: 1 February 2023

4. Combined audits – clarification of the audit due date in the case of a mandatory unannounced audit

Some sites have combined Agents and Brokers and BRCGS Food Safety Standard audits. The Food Standard contains requirements for a periodic mandatory unannounced audit (i.e. the mandatory 1 in 3 unannounced audit). When this mandatory unannounced audit occurs, the Agents and Broker audit also needs to be unannounced, and the site enrolls into the voluntary unannounced programme.

However, this creates a challenge in subsequent years due to the differences in the protocol for re-audit due dates for a Food Safety Standard mandatory audit compared with those for a voluntary unannounced audit in the Agents & Brokers Standard.

For example, Section 2.7.3 of the Protocol for the BCRGS Agents and Brokers Standard Issue 3 states that-

“The due date of the renewal audit occurs within a 28-day window up to the 6- or 12-month anniversary of the initial audit.

In some circumstances it is possible to undertake the audit earlier than this due date (e.g. to reset the audit date to allow combined audits with another scheme). Where an audit date is brought forward, the following rules shall apply:

- The audit report will detail the reasons why an audit has been brought forward.
- The audit due date will be 'reset' to the 6- or 12-month (depending on grade) anniversary of this new audit date.
- The certificate shall be issued with an expiry date of 6 or 12 months (depending on grade) +42 days from the 'new' audit date.”

i.e. currently when reverting to an announced audit for the subsequent years, the anniversary of the Agents and Brokers audit has to be reset as per the protocol section 2.7.3 to the last unannounced audit date, rather than maintaining the annual date as required by the mandatory unannounced audit protocol in the Food Safety Standard.

To accommodate combined audits, where the site wishes to have a combined BRCGS Food Safety and BRCGS Agents & Brokers audits, then following a mandatory unannounced audit of the Food Standard, the audit due date for the Agents & Brokers audit does not need to be 'reset' as per the current protocol and can follow the same audit due date requirements as the BRCGS Food Safety Standard.

This must be agreed, in advance, via a concession request raised by the Certification Body, following the normal concession process.

Please note this position statement only applies to combined audits. It does not affect other situations where a site opts to leave the Agents & Brokers unannounced audit programme, which will continue to operate in accordance with the Agents & Brokers audit protocol.