

CMA warns PCR test providers against breaking consumer law



The practices of concern to the Competition and Markets Authority (CMA) include:

- advertising up-front prices for PCR tests which do not include additional charges that everyone must pay
- advertising cheap PCR tests which are only actually available in very small quantities or are not available at all
- failing to deliver PCR tests or provide results within stated timescales, or at all
- refusing to provide consumers with refunds where tests are not provided within advertised and/or agreed timescales, or at all.

It comes after the Government this week (23 August) announced it would be warning 82 companies that they face being removed from the Gov.uk list if they advertise misleading prices.

Building on this, the CMA letter warns PCR test providers that if they mislead customers or treat them unfairly they could also face enforcement action from the CMA or Trading Standards. The letter instructs PCR test providers to 'immediately review their practices and policies to make sure they are in line with the requirements of consumer law and to make any changes where necessary'.

CMA General Counsel Sarah Cardell said:

PCR test providers should be in no doubt that they need to get on the right side of the law. If they don't, they risk enforcement action.

Our advice today will also help people by setting out exactly what they should expect for their money.

This warning goes hand-in-hand with action taken by Government this week and is the latest step in our work to tackle rip off prices and bad service. We continue to work closely with DHSC in reviewing

this market and will be providing further advice to DHSC on action that can be taken.

The letter lists 11 steps providers should take, including not focusing their advertising on cheap tests which are only available in small numbers; showing the full cost of tests including all compulsory charges; and providing 'honest, accurate and clear' timescales on when tests will be received. PCR test providers should also ensure that PCR tests and results are provided within advertised timescales.

Further information can be found on the [CMA rapid review of PCR testing for travel web page](#).

The [open letter is available on the CMA's website](#).

On 12 August the CMA provided an update on the areas we are exploring as part of our work on the PCR testing market. There are 3 areas that the CMA is currently exploring:

- Whether individual PCR providers may be breaching their obligations under consumer law and should be subject to enforcement action;
- Whether there are structural problems in the market for PCR tests, affecting price or reliability;
- Whether there are any immediate actions that the Government could take in the meantime.

The CMA has sent initial advice to the Secretary of State on options that DHSC could consider to address concerns over the price and reliability of PCR test and the quality of service people receive from providers.

The Government [announced its 'two strike' system on 23 August 2021](#).

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[Independent Scrutiny and The Better Regulation Framework](#)

The Government proposes dozens of regulations every year, many of which introduce significant new costs for businesses and civil society organisations (CSOs). The UK's better regulation system has been developed by

successive governments over the past two decades and aims to ensure that an evidence-based approach is taken to decisions on regulation, and that the potential costs and benefits are taken into account when regulations are introduced.

We, the RPC, exist to provide independent scrutiny at key stages of this process. Independent challenge and support of the sort we provide is highly regarded internationally and helps to improve the evidence and analysis informing the Government's decisions and the transparency of the process.

The Government is currently [consulting](#) on reforming the better regulation process. We welcome this. It is a timely opportunity to build on what is good about the current system and improve it in a number of important areas. We set out below why we think independent scrutiny should remain a key component of the system and our views on how it can contribute most effectively.

The value of independent scrutiny

Independent scrutiny helps government to regulate in a way that reflects the needs and concerns of business and civil society stakeholders.

- It brings an independent analytical perspective to the decision-making process. The pressures that government faces can result in a tendency to focus on the issues that matter to those making the decision and lose sight of the impacts on those affected by them – including unintended consequences. Independent expert input can help to ensure that these impacts are properly factored in and that the evidence and analysis underpinning the proposals are robust;
- It delivers accountability and transparency to external stakeholders. It strikes a balance between offering confidential input and publishing opinions and other material that are used by ministers in finalising proposals, and Parliament in its democratic scrutiny role; and
- It facilitates the sharing of best practice across government. The RPC works alongside the government analytical community to provide training, best-practice case studies and support and to ensure that previous lessons are fed back into the system.

An independent advisory panel like the RPC provides external expert scrutiny in a way that is both efficient and sensitive to the necessary internal processes that are required in policy development. At the same time, the transparency it involves provides reassurance to Parliament and external stakeholders that decision-makers are properly considering impacts on those being regulated (or allows them to challenge them where they have concerns).

What would make the UK system even better?

We currently consider impact assessments (IAs) at what is called 'final

stage' – we produce an opinion on the IA that is signed off by ministers and then presented to Parliament. These opinions rate the costs presented in the IA as 'green' (fit-for-purpose) or 'red' (not fit-for-purpose).

We have argued [previously](#) that we could add more value if involved earlier in the process of developing regulatory proposals and that this would help to streamline the process. We think that independent scrutiny can be most effective if used at three stages of the process:

Scrutiny in advance of consultation – to assess policy options and see if regulation is needed at all

Best practice policy-making involves assessing a range of different options for achieving the policy objective and then identifying a preferred option that best meets the objectives by maximising the net benefits (net of costs). Some of the policy options may not involve government regulation at all (for example self-regulatory approaches may be more effective at achieving the objectives; or the measure may introduce costs or unintended consequences that outweigh the benefits).

In the current system, the RPC is often only able to comment on options after the alternatives to regulation have been considered and discarded, and we cannot 'red rate' on this aspect of an IA. We support the early gateway proposed in the consultation document, so that independent input can ensure a rigorous approach to considering alternative policy options at an early stage of policy development.

Our earlier [blog post](#) makes the case for scrutiny of IAs ahead of consulting on regulatory proposals. Independent scrutiny at this stage would both allow a more timely consideration of options and offer external input to ensure that the consultation takes the opportunity to solicit the best evidence on impacts.

An early requirement for scrutiny would also allow a more streamlined approach later in the policy development process. Where non-regulatory approaches are adopted these would not need further IAs, while for regulatory proposals that are taken forward, the rationale and options may not need to be described for a second time. This should enable the 'final stage' IA to focus on the evidence and analysis relevant to support final decision-making.

Scrutiny before parliamentary approval – to confirm the estimate of costs and plan for monitoring and evaluation

One of the key roles the RPC currently undertakes at 'final stage' (to support Parliamentary scrutiny) is verification of the estimates of the costs set out in IAs. We can 'red-rate' the IA if this assessment of costs is not fit for purpose. We believe that this role should be continued and supplemented with transparency about the actual costs of the measure using data that would be collected and published at the post-implementation stage.

We also currently comment on, but cannot 'red rate' on, how the effectiveness and impact of a regulation will be monitored and evaluated after it is

introduced. In order for post-implementation reviews (PIRs) to be effective at recommending changes to measures in the light of the actual operation of those measures, it is important to agree in advance what data and evidence is to be collected so that an effective review is possible at that later stage. Therefore, the ability to 'red rate' monitoring and evaluation plans before implementation is key to ensuring that policies can be effectively reviewed after implementation.

Scrutiny post-implementation – to validate the impacts and the decisions on whether the regulation is working well or should be changed

Monitoring and evaluation of policy after implementation is important to decide whether the regulation should be removed, reformed or retained; and for learning lessons for future policy making. An "evaluate first" approach is a key component of many international better regulation systems.

Although there is currently a requirement for departments to complete PIRs 4 to 5 years after regulations are introduced, this is often an afterthought. Between 2016 and 2018, 72% of required PIRs had been completed on time, but this has dropped to below 40% in the last two years (partly due to the pressures of Covid) and they rarely lead to modifications of the regulations being reviewed. In an effective better regulation system, the actual impacts of regulation should be evaluated after they have been in place and consideration given to whether the regulations should be retained, amended or removed (if they are not working as intended).

We would support a system that increased the focus on the timely production of PIRs, ensured that these were comprehensive, and ensured that ministerial attention was focused on their conclusions. This might be the best point in the process for the calculation and independent verification of impacts and for independent confirmation that decisions on retention, amendment or removal are robust.

Ensuring the system is as effective as possible

We support the aim to have the regulatory process as "streamlined" as possible, with a focus at each stage on the information necessary to the decisions at that stage. This should ensure that independent scrutiny retains the benefits of transparency and external challenge and improves outcomes for government, for Parliament and for external stakeholders in the business and CSO community. This doesn't require radical reform of a system that is already highly regarded, but some change could make it significantly more effective and support the Government's objectives.

We would encourage anyone with an interest in these issues to respond to the [consultation](#) on reforming the better regulation framework. The deadline for responses is 1 October 2021.

First sponsor announced for Global Investment Summit

Barclays is the first sponsor to be confirmed for the Global Investment Summit (GIS) taking place on 19th October, the UK Government has announced today.

Hosted by the Prime Minister and supported by members of the Royal Family, the summit will showcase British innovation, demonstrate commitment to green industries of the future ahead of COP26, and promote UK as the best destination for foreign investment.

British banking giant Barclays will be one of several sponsors to be announced in the lead up to the event. Barclays has an ambition to be a net zero bank by 2050 and committed to £100bn of green financing by 2030 in line with the Government's clean growth agenda.

The announcement comes as the Department for International Trade (DIT) publishes a new report highlighting the UK's foreign investment successes over the past year.

In the last decade Foreign Direct Investment (FDI) has created more than 707,000 jobs across the country, and since April 2019 projects supported by DIT have contributed more than £7 billion to the economy.

Foreign investment in the UK created more than 55,000 jobs in the last financial year (20/21), with Scotland and regions like the South West and the East of England seeing the biggest job increases.

Nearly 9 in every 10 of the total new jobs (47,784 out of 55,319) were created with Government support, where DIT has worked directly with the investing companies and provided services to ease their entry into the UK.

International Trade Secretary Liz Truss said:

The UK is the best investment destination in the world offering strong returns in a low-tax, high-skill economy, respected worldwide for its strong rule of law.

Today's report proves that time and time again investors are choosing the UK. Greater investment in our industries of the future will create high-value jobs, boost the economy and level up the country as we build back better.

Now is the time to seize these immense opportunities and our Global Investment Summit is the springboard that will propel our economy towards a more prosperous, exciting future.

Jes Staley, Group CEO, Barclays, said:

Barclays fully supports the Global Investment Summit and the Government's ambitious drive to boost investments, jobs and growth in the UK's green industries; as one of the first banks to set a net zero target by 2050, not only for our own operations but across our entire financing portfolio, we are accelerating that transition through the way we deploy our financing.

Barclays is helping companies of all sizes to realise their green opportunities, from start-ups to global corporations – backing innovation in new technology, facilitating the build out of low-carbon infrastructure, and empowering clients to make critical decisions along their own journeys towards a low-carbon economy.

The Office for Investment, established in January this year, has already facilitated a number of major inward investment commitments for the UK.

These include:

- Nissan's recent announcement to build a Gigafactory as part of its £1 billion expansion in Sunderland
- Canadian clean energy company General Fusion's commitment to build its nuclear fusion technology plant in Oxfordshire
- Mubadala Investment Company's £1bn agreement to secure more investment into the UK's technology, infrastructure and life sciences sectors.

The Global Investment Summit will build on the success of these investments and is expected to catalyse billions of pounds of investment by attracting hundreds of the world's leading businesses and investment names to the UK.

[Game changing export win for COVID-19 vaccine transporter Reftrade](#)

- Aberdeen-based Reftrade has become the first business in Scotland to secure new UK government backing from UK Export Finance
- Reftrade is set to triple its headcount and expand its business to fulfil £1 million of export orders

A small business which supplies specialist containers to the NHS to store and transport COVID-19 vaccines, has become the first in Scotland to benefit from a major new government export scheme.

Aberdeen-based [Reftrade UK](#), which supplies refrigerated, offshore and hazardous area containers, worked with NHS Scotland to provide specialist equipment to keep batches of AstraZeneca and Moderna vaccines at a set temperature through the vaccine rollout.

Following its success in the UK, Reftrade secured support from UK Export Finance (UKEF) and the Bank of Scotland to finance its international ambitions, which include expanding their pharmaceutical exports and supplying offshore projects with temperature-controlled containers needed for the construction of wind turbine sites.

Reftrade required additional working capital to take advantage of increasing export orders. The Bank of Scotland proposed a structure that would bridge the gap in their increasing cashflow funding requirements, using UKEF's new [General Export Facility](#) (GEF).

Reftrade was the first Scottish company to access funds from GEF, allowing the company to free up valuable working capital and pursue more, higher tier export contracts.

Expanding on its busiest year ever in 2020, Reftrade has over £1 million of export deals in the pipeline. As a result, the company has plans to triple its headcount and relocate to larger premises, creating new highly skilled jobs in Scotland.

Minister for Exports, Graham Stuart MP said:

The COVID-19 vaccine rollout has been one of this country's greatest successes stories, and underpinning it are expert UK companies like Reftrade. I am delighted that they have been the first company in Scotland to receive GEF which will help them continue their tremendous growth through international trade.

Martin Baxter, Director at Reftrade said:

Exports currently make up 20% of our overall sales, but thanks to UKEF and the support offered through GEF, we have been able to be more vigorous in our sales approach over the past few months. This has come at a vital time for our business, in which we are looking to expand our international operations, fulfil more export contracts and create vital jobs.

Carol Harvey, Export Finance Manager for Western Scotland, Highlands &

Islands, said:

GEF has given Reftrade – which has played a vital part in helping the UK’s vaccine rollout – the confidence and working capital needed to pursue bigger contracts and accelerate their growth. I look forward to helping more businesses across the UK to reach new heights and go global as we continue to recover from the pandemic.

Colin Walls, Regional Director Trade and Working Capital at Bank of Scotland said:

Refrtrade is a fast-growing business with great trajectory and growth plans. They recognise the huge opportunity offered by exporting through global markets but also the need to ensure that they have the right level of support to negotiate those markets safely and profitably. I am delighted that we have been able to work with UKEF in this way to strengthen Reftrade’s future plans.

About UK Export Finance

[UK Export Finance](#) is the UK’s export credit agency and a government department, working along-side the Department for International Trade as an integral part of its strategy and operations.

Established in 1919, it exists to ensure that no viable UK export should fail for a lack of finance from the private market. It provides finance and insurance to help exporters win, fulfil and get paid for export contracts.

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[£50 million to deliver world-class facilities for T Level students](#)

£50 million will be invested in colleges, schools and sixth forms delivering T levels across England from 2022 to improve and expand teaching spaces and facilities.

The funding will ensure students have world-class facilities when studying for T Levels, helping to transform the provision of technical education to help fill local skills gaps and level up opportunities across the country. Sixty-five building projects will receive a share of the funding, providing thousands of students with industry quality equipment for hands-on experience right from the start of their training, and high-tech classrooms.

T Levels – co-created with over 250 employers including Fujitsu and Amazon – are equivalent to three A levels and uniquely combine classroom study with industry placements, so students gain the skills businesses need allowing them to go straight into the workplace, onto an apprenticeship or further study. New subjects including Health, Science and Onsite Construction will be added from September.

The funding will be used to refurbish buildings and facilities, including upgrading classrooms and creating specialist spaces such as teaching wards, and building or improving laboratories for health and science students.

Minister for Apprenticeships and Skills Gillian Keegan said:

T Levels are a game changer for young people, providing a high-quality technical equivalent to A levels that have been designed hand-in-hand with leading employers so students and businesses can be sure they will get the skills they need to thrive in a high tech economy.

This multi-million pound investment will mean even more students will benefit from world-class facilities, giving them access to brilliant new buildings that will help them get ready for the world of work.

West Suffolk College is one of the providers to receive a share of the investment, to refurbish and create new facilities to deliver Digital T Level courses, including a mixed reality suite to explore uses of coding, and specialist classrooms and collaborative teaching spaces to enable informal learning.

Tameside College will create a health skills ward to support teaching on the Health and Science route, and Birchwood Community High School in Warrington will refurbish spaces to create a new laboratory and other spaces to teach Health and Science.

Dr Paul Phillips, CBE, Principal and Chief Executive of Weston College Group said:

The successful application for the T Level Capital Fund Building and Facilities Improvement Grant has enabled Weston College to transform facilities and develop new opportunities for learners to work with state of the art resources. As we move forward with the government's skills strategy via the White Paper, funding such as this is paramount to realising the highly positive aims and objectives from central government.

David Hughes, Chief Executive of the Association of Colleges said:

T Levels will be available in more than 100 colleges and schools from this September and are a high quality option for young people looking to build a career. I welcome the fact that the government is continuing to invest in up-to-date buildings and facilities for these courses and students.

T Levels form a key part of the government's reforms to revolutionise skills and technical education, providing students with the skills and experience they need to progress into well-paid jobs, further study or an apprenticeship.

The first three T Levels in Design, Surveying and Planning for Construction, Digital Production, Design and Development and Education and Childcare were introduced in September 2020. A further seven are rolling out from this September in subjects including Health, Science and Onsite Construction, with subjects including Finance, Media and Legal introduced from 2022 and 2023.

Today's announcement builds on the £133 million made available to support providers delivering T Levels in 2020 and 2021, including funding given to all new T Level providers to purchase specialist equipment so students have access to the equipment they will use when they get a job. Further funding is expected to be awarded later in the year.