

How we set standards

1. Introduction

The Soil Association was one of the first organisations in the world to set guidelines for organic farming and growing, in 1967. These have since developed into formal organic standards, the basis of which is now enshrined in EU law as the Organic Regulation (EU reg). Our higher organic standards go above and beyond what's required by law, in key areas which have been shown to have significant impact in line with our aims and objectives.

We conducted a wholesale review of our standards, including how we set, manage and govern them, between 2012 – 2018. The resulting standards are now live on our [website](#) and will be fully implemented by the end of the year. This paper sets out our aims for our standards-setting activities, how they are governed, the processes we now follow to update our standards and any instances in which we may need to deviate from usual practice.

We seek Standards Board approval of the processes as outlined.

2. Aims

We want our standards-setting activities to be open, transparent and robust. The governance process that underpins how our standards are set ensures that our standards embody industry best practice, are stretching and ambitious, yet achievable. We run in-depth, far-reaching and targeted public consultations to ensure that we receive feedback from the full breadth of our stakeholders before amending our standards. As an associate member of the sustainability standards body the ISEAL Alliance, we manage our standards development processes in line with the ISEAL codes where possible¹.

People trust the Soil Association brand, and credible standards are an important way to protect and enhance our reputation. Our standards are more than just a set of rules for those wishing to use our symbol. They are also a mechanism through which our values, expertise and ambitions are communicated, to licensees and our wider stakeholders. As publicly available documents our standards are open to scrutiny. In recent years we have made the implementation and consequences of our standards more transparent, for example by publishing details of how they are applied throughout complex supply chains.

¹ Many of our standards are underpinned by legislation, so the process for changes and amendments isn't within our direct control. In these instances it is not always possible to follow ISEAL codes.

3. Governance

The basic premise of our standards governance is that the Board of Trustees (Trustees) delegates responsibility for standard-setting to the Standards Board, which has oversight of all our standard-setting activity. A representative of the Trustees attends Standards Board meetings and Trustees have final sign-off on standards proposals for schemes which are wholly owned by the Soil Association, but are expected to object to them only if they can articulate specific concerns relating to the Soil Association's reputation or work.

3.1. Standards Board

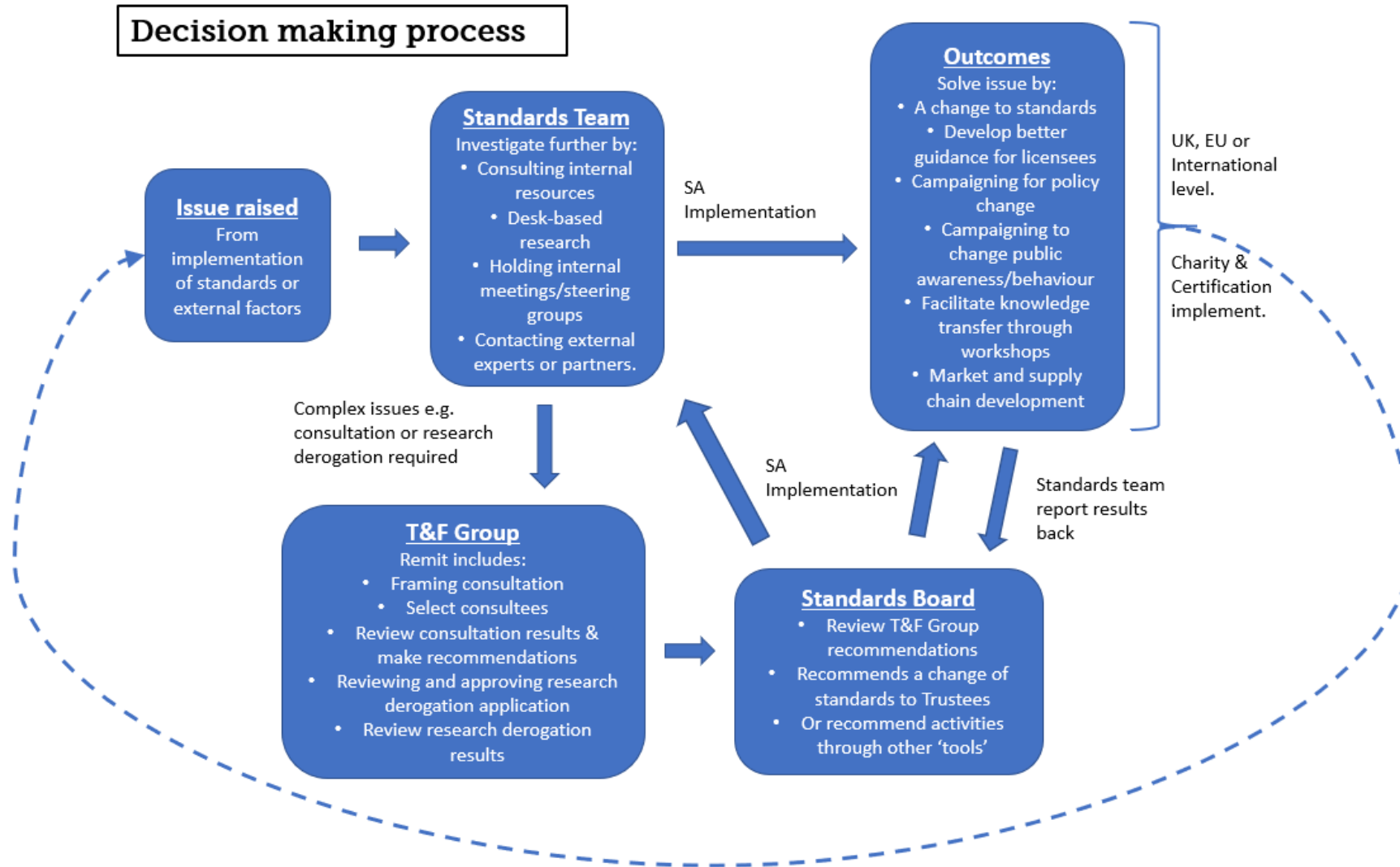
Standards Board is made up of one representative for each sector in which we work, plus three lay members who represent public and consumer interests, and a representative of the Board of Trustees (See Annex 1 for current Standards Board membership). If a vote is required, the decision must be supported by at least two lay members for it to be carried. The Standards Board Chair is completely independent of any Soil Association schemes and is appointed by the Board of Trustees. All appointments take place through an open recruitment process.

Where Standards Board decides that more detailed information, consultation or expertise is required, the relevant representative may work with the SA Standards Team to develop a Task & Finish Group. Task & Finish (T&F) Groups are created to work on a specific project or issue, usually within a relatively short or fixed timescale. They may be chaired by the Standards Board member with the most relevant expertise, or a T&F Group member with suitable skills and a neutral perspective if appropriate. The Standards Board will set a mandate for the work of a T&F Group, however that group may develop the scope of its work as it evolves. The relationship between the SA, Standards Board and T&F Groups, and the thought processes which underpin it, are set out in Figure A below.

Standard setting for Food for Life Served Here (FFLSH) is managed by a dedicated Standards Committee because the nature of this scheme, and its relative youth, means that it requires more detailed standards development than we would expect to be provided by a T&F Group. The Standards Committee has agreed to move to a three-yearly update process, with the FFLSH standards remaining static in between times, to bring some stability to the scheme and recognise the level of maturity it has now reached.

Standards Board also oversees the SA's input into externally governed standards such as GOTS and COSMOS. Our engagement with the development of the EU organic regulation is managed internally, in conjunction with our membership of IFOAM EU, which is recognised by the EU Commission as an official stakeholder in the development of the EU Organic Regulation. Standards Board receives regular updates on the progress of the new EU reg, and will continue to be kept abreast of developments with any UK Organic Regulation that develops post-Brexit.

Figure A. Proactive process to resolve standards-related issues



4. Reactive standards changes

The process described above explains how we ideally work when we are able to take a proactive approach to our standards development. However, there are also times when we need to react to external events or changes, for example a change in the EU Organic Regulation, new or updated legislation or consumer expectations. In these instances we will work as closely to the process described above as possible, but we may need to use our urgency procedure, or notify rather than consult stakeholders including the Standards Board, when we have to make urgent changes to remain compliant with external legislation.

4.1 Urgency procedure

For urgent issues arising between scheduled meetings, an 'urgency committee' of the Standards Board may be called. This is made up of the Chair of the Standards Board, the relevant sector representative and one lay member. Recommendations from an urgency committee must be unanimous and circulated to the whole Standards Board for information, before going forward to the Board of Trustees.

T&F Groups can be consulted via email if an urgent situation arises in an area of our standards where they have relevant expertise. They would be given a short deadline within which to respond to any standards proposals, for example one week. If they do not object to a proposal it would go forward to the Standards Board urgency committee.

4.2 EU Organic Regulation updates procedure

When the EU Organic Regulation is updated, it is accompanied by a date for when it comes into force. We usually have advance notice of this, but in some circumstances we may need to apply the updates within a very short timescale (usually 20 days) in order for our standards to remain compliant with the EU Regulation.

In these circumstances, we need to update the Standards document as soon as possible, so that licensees have adequate time to prepare for any imminent changes. However, it is important that an expedited process doesn't result in a lowering of standards.

This is the procedure we follow when the EU Regulation is changed:

The Standards Team reviews each of the changes to identify whether they may warrant a change to an existing higher standard or the introduction of a new higher standard. See fig. B below which indicates how we determine whether a change would have a strengthening, neutral or weakening effect on our standards.

- a. Where the change is strengthening, we are obliged to adopt it to remain compliant, so the Standards will be updated accordingly. Standards Board will be informed of such changes but will not be asked to ratify the decision.

- b. Where the change is neutral, the Standards Team will recommend to the Standards Board that the change is adopted. Standards Board will be asked to expressly approve these changes. If Standards Board do not agree with the changes, the Standards will become subject to the process outlined in c below.
- c. If a change has a weakening effect on our standards then they are candidates for new or strengthened SA higher standards, offsetting the EU Regulation change. In such cases, the change will be subject to our normal reactive governance process, either the usual process or the urgency procedure depending on the nature of the change. In the meantime, we will communicate our precautionary approach and make it clear that the change has not been adopted in our standards, subject to further investigation. This will be clearly communicated in the 'summary of changes' document as outlined below, and a final decision regarding the change will be made as soon as possible. This will also be the procedure in the case where further clarification from the Commission is needed before deciding to incorporate a change.

Figure B. Types of EU Regulation change, their meaning and outcomes

Type of change	Outcome
Stronger	A change in current practice/tightening in regulation that results in better outcomes than the status quo
	A regulatory change that negates the need for a higher standard that existed before the change existed
Neutral	No substantial change in current practice
	A higher standard would not achieve impact or would not be enforceable
Weaker	A change in current practice that may have a sufficient negative impact to justify the need for a higher standard in this area

5. Common procedures to follow for changes to any SA standards

Within the frameworks outlined above, there are some guiding principles that are always followed. These include:

- Changes to standards will be minimised and grouped when possible to avoid confusion for licensees. For example, planned updates will occur no less than 6 months apart.
- The Standards Team will make all changes to standards and/or guidance in consultation with Certification colleagues as appropriate.
- The Standards Team may run a consultation when making changes to a standard (see section 6 below).
- The Standards Team will seek the approval of the Standards Board when making changes to a standard.
- The Board of Trustees will receive the minutes of the Standards Board meetings/approvals which are ratified if no objections are raised.
- The Standards Team will update the standards documents on the website to a new version incorporating all the agreed changes.
- The Standards Team will publish a 'Summary of changes' document on the website every time the standards are amended.
- The Standards Team will work with Certification to communicate the changes to licensees in the most appropriate way(s).

5.1 Summary of when changes need Standards Board Approval

The majority of changes to standards require express approval from the Standards Board. Approval is always sought in the following circumstances:

- Completely new standards
- Correcting omissions or seemingly small wording changes which alter the intended impact and implementation of the standard
- If statutory changes make standards weaker than they currently are, so a 'new' higher standard should be considered.
- If the UK government decides not to transpose stricter standards being introduced in the EU.

There are instances where changes are not considered to require Standards Board approval, because the process of approval would add unnecessary bureaucracy with no clear benefit, or the change falls outside the remit of the Standards Board. The following changes are made without Standards Board approval:

- Grammatical corrections
- Changes to guidance
- Changes to 'why' for higher standards
- Correcting omissions which don't change the implementation of the standard e.g. changing the wording of a standard to clarify intention

- If statutory changes make standards stricter than they currently are

6. Consultations

6.1 What is a consultation and how do we do it?

We seek stakeholder feedback through a public or targeted consultation where this would enhance or have an impact on our proposals to update our standards. If Standards Board or the Soil Association is determined to maintain or introduce a standard, we may seek views on refining or implementing it, rather than whether or not it should continue to be – or to become – a requirement of organic certification with the SA. An example of this is included in Annex 2.

We carefully consider and structure the questions we ask in a consultation, aiming to ensure the answers we receive will provide relevant and useful information. Where a standards consultation is necessarily quite specific, e.g. asking about detailed implementation requirements, we will state in the introduction that it is most relevant to certain licensees and industry stakeholders, although we welcome feedback from all interested parties. We will also publish details of the consultation period, and when and how stakeholders can expect to be informed of the outcome.

6.2 How do we know when and who to consult?

If a change to our higher standards would require licensees to alter their practices, we need to consult them to find out what impact it would have. If we are going to make the change anyway, regardless of their feedback, we need to consider whether or not a consultation would be useful as an outreach or engagement tool. The ISEAL standard-setting code does not specify how a standard-setter can identify whether or not a consultation is necessary. We recommend that in cases of doubt, it would be wise to run at least a small, targeted consultation.

The ISEAL code sets out recommended timescales for stakeholder consultations. An initial consultation should normally last for 60 days, with a second round of consultation for 30 days if major changes to proposals arise from the first round of consultation. In circumstances where we need to make a change more quickly, or are targeting a small number of specialists, we may choose to consult for a shorter period, but in this case we would always make sure we had reached the full breadth of stakeholders before closing the consultation.

A stakeholder list is developed by the Standards Team for each consultation, and shared with the T&F Group/Standards Committee, or Standards Board, depending on who is managing the consultation. This sets out who we think we need to target and hear from during the consultation period.

6.3 Outreach

We usually run consultations online using an online survey tool hosted on our own website. We may supplement this with other outreach activities, for example webinars, events, media engagement, email footers etc. We would always proactively contact all licensees who would be directly affected by a proposed change, usually by dedicated email as well as through existing channels such as Certification News and Trade News.

We monitor consultation responses throughout the consultation period and we ask respondents to self-identify at an early stage, so we are easily able to see whether we are receiving responses from a balanced selection of stakeholders. If we feel the response rate from a key stakeholder group, for example licensees, or industry experts, is too low, we would work with communications colleagues to improve our outreach to those people.

A detailed summary of the consultation feedback and how this has affected our standards proposals is provided to the T&F Group/Standards Committee and Standards Board.

Annex 1: Standards Board membership

Extracted from Standards Board Terms of Reference

Membership

- Independent Chair*
- One expert per sector with practical knowledge of each the following**:
 - o Livestock***
 - o Arable***
 - o Horticulture***
 - o Aquaculture
 - o Processing
 - o Textiles
 - o Health and beauty
 - o Forestry
 - o Catering (Food for Life Served Here Standards Committee Chair)
- Three lay representatives (at least one of whom a Soil Association member)
- Board of Trustee representative (non-voting observer)

*The Chair should be independent of any of the schemes governed by the Standards Board (e.g. as a symbol holder or formal stakeholder).

**The majority of the sector experts are symbol holders of a scheme governed by the Standards Board.

***One of the livestock, arable or horticulture experts is a representative of the Farmer and Grower Board.

The Board of Trustees appoint the independent Chair. This appointment is for a four-year renewable term, limited to two consecutive terms at a time.

The Trustee member will serve on the Standards Board for such period as the Board determine, commensurate with their term as Trustee.

The Farmer & Grower Board nominates their member of the Standards Board.

The Standards Board will appoint a Secretary to the Committee.

Appointments

The Chair of the Standards Board is appointed by the Board of Trustees.

Sector representatives, lay members, Chair of the Food for Life Served Here Standards Committee and forestry working group are appointed by a committee comprising:

- the Chair of the Standards Board
- the Board of Trustee member,
- the Farmer & Grower Board nominee and
- a member of staff.

Annex 2: Consultation example

Refining the implementation of a standards change in Food for Life Served Here

The Food for Life Served Here bronze standards originally required cage-free eggs to be served. The Standards Committee felt very strongly that consumers would expect free range eggs as a minimum standard for a scheme run by the Soil Association. We therefore used the consultation on changing this standard to determine how quickly caterers could change their supply to free range eggs and whether they anticipated any barriers or challenges to doing so. We also used it as an engagement exercise to inform people of our intention and reached out to the egg industry to establish whether suitable supply was available to meet the likely demand. The updated standard was introduced in 2012 with one year for caterers to comply.