

## WORKFORCE SURVEY 2018-19



## EXECUTIVE SUMMARY

- There was a loss of 99.4 full time qualified trading standards posts last year (across the 78 services that responded to the 2017 and 2018 surveys). This is the equivalent of 10 trading standards services of cuts, and comes on top of the just under 50 posts lost according to the 2017 CTSI Workforce Survey.
- The average spend per head of population within local authorities for trading standards services in 2018-19 was just £1.83. The lowest was less than 50p and the highest (by an authority with at least 100,000 population) was £4.60. There was a fall in the average budget for trading standards services of just under 4%.
- The average number of qualified trading standards officers per authority is 9.4 full time equivalent (FTE), but 53 of those responding have a total of less than six qualified officers.
- Many trading standards services have less than 5 full time equivalent staff and only one fully qualified trading standards officer.
- 56% of heads of service that responded to the survey did not believe that their team had sufficient expertise to cover the full range of trading standards responsibilities.
- More than a third of trading standards officers have over 20 year's post-qualification experience. 12% of the workforce has less than five years' experience. This confirms that an ageing trading standards workforce is a threat to future professional capacity, a concern expressed by many of the heads of service interviewed.
- Whilst there remains a great deal of experience within the trading standards profession, at the time of the survey there were 50 trainee trading standards officers currently in post, and 21 planned for 2019-20. This may reflect the lack of funding for training, with the average training budget per service being less than 2%. 70% of heads of service were, however, interested in appointing an apprentice.
- Doorstep crime, scams, product safety and fair trading continue to be amongst the top trading standards priorities for services. Most have an 'intelligence-led' approach to service planning and priority setting, although not all heads of service had fully adopted it.
- There were concerns about the loss of trading standards' consumer advice services, particularly the intelligence and consumer facing profile this used to provide. It was felt this wasn't necessarily replicated by the Citizens Advice Consumer Helpline (CACH). Heads of service were keen for the CACH to be promoted much more.
- 822 prosecutions were initiated by services that participated in the Workforce Survey (WFS), equating to an average of 9 per service.
- In contrast civil enforcement actions were not wholly embraced as an alternative or preferred option to prosecution. This was because of -
  - Concerns that the process was more complex than criminal routes and not as effective
  - Perceptions that the teams lacked the skills, knowledge or confidence
  - Views that there were greater risks, for example, a threat of being sued for damages as a result of civil enforcement errors
  - A lack of support from local authority legal services

- 9% of respondents were part of a joint service, but the majority of Local Authority Trading Standards Services (78%) had no plans or process for merging. However, over half of trading standards' heads of service also managed other services within their local authority (often without additional remuneration).
- The majority of heads of service were at the 4th or 5th tier of management within their authority. The managers at a higher level felt they were better able to influence their annual budget conversations.
- There was positive feedback for the roles of National Trading Standards and Trading Standards Scotland, although some heads of service felt less engaged.
- There was also positive feedback about regional coordination groups and other networks.
- Overall many heads of service were fearful of the future and their ability to deliver the full range of trading standards responsibilities.

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# INTRODUCTION

**All employees within UK local government will understand that any report on their services will show already tight budgets being cut further, leading to increasingly tough decisions on what they should prioritise. This Workforce Survey report (WFS), however, provides more evidence at an important juncture for our system of trading standards and the wider the consumer protection system.**

In particular it is hoped that it will add weight to the momentum within governments and other stakeholders to reform the consumer protection system, ultimately for the benefit of consumers and businesses in the UK.

The fact that this WFS was supported by the Department of Business Energy and Industrial Strategy (BEIS) - specifically to carry out more in-depth interviews with heads of trading standards service - gives its findings more influence than previous years.

This report is in two broad sections. The first covers the year-on-year quantitative or statistical analysis of local trading standards issues from our annual survey of services. The second section gives wider context to the position through direct interviews with heads from a variety of trading standards services (differing in size and geographical location).

The collective findings highlight the ongoing challenges for budgets, training, networks and staffing capacity faced by local trading standards. It also points out where governments can begin to address these issues and understand the prioritisation decisions heads of service are having to make.

In addition to the recommendations made in response to the government's consumer green paper (Modernising Consumer Markets), CTSI makes the following recommendations based on the evidence of the report -



## Training

The WFS shows that there has been an ongoing reduction in new staff, Continuing Personal Development Training (CPD) for existing staff, as well as investment in the training of newly appointed staff. There is an anticipated Government consultation with plans to address consumer markets, and CTSI suggests it is critical that it provides routes to allow local authorities to train existing and especially new staff. Many smaller authorities struggle to provide the mentoring and guidance required for new starters. Financial support for more coordinated regional support through already well-established regional networks would also be greatly beneficial. This applies equally to those authorities seeking to retain apprentices. Dialogue with the devolved administrations to enhance the development by Welsh and Scottish authorities of equivalent apprenticeship programmes is also recommended.



## 'Intelligence-led' enforcement

The vast majority of LATSS operate an 'intelligence led' approach to enforcement prioritisation, working closely with both regional and national trading standards colleagues. However, there are gaps in the system, including funding for training and regional support. It would be beneficial to hold a review of the adoption and use of the Intelligence Operating Model (IoM), with clearer guidance on data capture and investment in intelligence systems to ensure greater connectivity and avoid 'double entering' of data.



## Citizens Advice Consumer Helpline

A collective improvement of the profile and awareness of this would help increase the quality and quantity of intelligence about poor or illegal trading practices. The helpline ensures that consumers get access to free, impartial advice to resolve their consumer issues. Previous Government white papers have recognised the role that informed and demanding consumers play in driving up standards through a virtuous cycle.



## Networks

The importance of reliance on regional support and other networks was clear from the survey. The means by which these are sustained should be a focus, especially as officers have far less time to contribute to their maintenance and quality.



## Budgets

Whilst there is no doubting the significant fall in service budgets in recent years, some authorities have managed to generate income from other sources, such as providing services to business. Others have successfully bid for grants from stakeholders such as public health services for activities seeking to reduce harm from alcohol and tobacco. Other trading standards services have successfully bid for national funding from BEIS via National Trading Standards (NTS) or Trading Standards Scotland (TSS) to support investigations into Level 3 trading standards breaches<sup>1</sup>. It is recommended that further analysis is undertaken to identify any and all further sources of income for trading standards services, and to share best practice when it is found.

Our sincere thanks go to all the heads of service that took the time to respond to the survey. Without their continuing support and dedication it would not be possible to compile this report.

The one-to-one interviews revealed extremely competent, professional officers who cared deeply about their staff and the quality of the services they provide and, more importantly, the people and communities they serve.

<sup>1</sup>See section on page 29 below.

# METHODOLOGY

## Quantitative Survey

In designing the survey, it was decided, where possible, to ask questions that would provide answers that were directly comparable with the previous (2014, 2016, and 2017) CTSI WFSs. The data gathered by this survey has been used alongside 2014, 2016 and 2017 data to infer trends. Wherever possible the same authority's submissions were compared with all previous WFSs.

The survey contained forty-three predominantly closed questions and took approximately thirty minutes to complete. It was distributed via email to heads of service and heads of service organisations to be completed on-line. The survey remained open for five weeks.

At the closing date of the survey, 133 submissions had been received. Not every respondent answered every question and there were a number of incomplete and duplicate entries. Through a process of data standardisation, it was assessed that of the original 133 responses, 97 respondents provided enough information for the results of their submission to be deemed usable for the statistical analysis presented in this report. With a total population of 195<sup>2</sup>, this sample provides us with a confidence interval of 7.07% at a 95% confidence level.

	Total	2018 Responded	2017 Responded	Change
CEnTSA	14	3	9	-6
EETSA	10	4	6	-2
LoTSA	32	14	17	-3
NETSA	12	4	9	-5
SWERCOTS	15	8	9	-1
TSEM	8	6	8	-2
TSNW	22	11	5	6
TSSE	18	10	11	-1
WHoTS	22	9	10	-1
YAHTSG	11	4	5	-1
SCOTTS	32	23	24	-1
N Ireland	1	1	0	1
<b>TOTAL</b>	<b>197</b>	<b>97</b>	<b>113</b>	<b>-16</b>

Table 1 - Survey Responses by Regional/National Group

## Qualitative Questions

After this year's survey had been completed, nineteen telephone interviews with heads of service were carried out to gain first-hand information on how their service operates, the challenges they face, and a more direct context for the statistical figures.

A randomised sample was created of services that are small (0-7 officers in the service), medium (8-14 officers) and large (15 officers and over) with interviews carried out between January 2019 and March 2019 using a set of pre-agreed themes to guide the conversations. See Section 2 of this report for findings.

<sup>2</sup>There are approximately 220 local authority weights and measures authorities in the UK. That is those authorities that have been empowered by parliament to enforce the provisions of weights and measures and other "public protection" or trading standards authorities. However, a number of these authorities have informal or formal arrangements to share services and thus the total number of trading standards services is estimated to be 197. It should be noted that in Northern Ireland it is the Department for the Economy - Trading Standards Service is responsible for enforcing the vast majority of trading standards legislation.

## Budgets

Questions on each trading standards service's budget for the years 2017-18, 2018-19, and projections for 2019-2020 were asked.

	Responses	Minimum	Maximum	Average	Percentage Change
Budget in 2017-18	93	£185,700	£3,491,000	£773,429	n/a
Budget in 2018-19	95	£116,700	£3,492,000	£744,867	-3.7%
<b>Projected Budget 2019-20</b>	51	£116,700	£2,696,000	£751,402	0.9%

**Table 2 - Actual and anticipated Trading Standard Services budgets 2017/18 to 2019/20**

The survey indicates that over the past year there has been a 3.7% fall in average budgets across trading standards. By comparison, the 2017 survey indicated a 4.3% budget cut; the 2016 survey showed a 11% cut between 2014 and 2016; and the 2014 survey showed a 40% cut between 2011 and 2014. The slight increase in the projected 2019-20 compared to 2018-19 should be noted with caution as, at the time of the survey, only 51 local authorities were in a position to anticipate their next year's budget, compared to 95 that had provided details of their 2018-19 budget. Of those 51 services, 12 were projecting an increase in budget, 21 a reduction in budget and 18 no change.

The change in anticipated budget ranged from an increase of over £200k for a joint service in London (an increase of 18%) to a reduction of over £200k for a large English County Authority (a reduction of 12.9%). The average change for the 51 authorities was a reduction of £13,000<sup>3</sup>.

Looking at individual responses, there are differences in how services have seen their budgets change. Some services have seen budget increases, the largest being around 20%. However, the majority continue to see cuts, with the largest individual fall being 43%<sup>4</sup>.

Staffing costs remains by far the largest part of budgets (87%), while training makes up only 2% of trading standards budgets.

<sup>3</sup>The slight change in the average predicted budget for 2019-20 shown in Table 2 compares the average figure predicted for 51 authorities with the average budget for 96 LATSS on 2018-19.

<sup>4</sup>Further analysis of LATSS budgets would be beneficial to understand the trends. Some of the budget increase recorded by individual local authorities could be attributed to short term funding for specific issues, such as grants from Public Health to reduce sales of tobacco to young people under the age limit. Alternatively, some local authorities may have developed income generating activities such as charging for business advice or providing metrological services.

# METHODOLOGY

## Long term budget analysis

As with the 2017, survey it was possible to use the data that had been gathered to create a linear comparison between services that have responded to previous WFSs. However, a limitation is that each year there are services that cannot respond, meaning that only 26 services make up this graph as compared to 39 services last year.

This provides a supporting snapshot of the situation facing trading standards budgets. Whilst there has not been a repeat of the dramatic average fall in resources as seen between 2010 and 2015, there is an on-going steady decline taking place (considering inflation, this fall is more in real terms than demonstrated).

## Budget per head of population

Using the 2018-2019 budget figures supplied by the WFS and the population for each authority, the average trading standards budget per head of population by nation has been calculated as shown in Figure 2.

There is a significant range of budgets per head of population in each local authority from more than £48 through to less than 50p.

<sup>5</sup>Only includes those LATSS that responded to each of the previous Workforce Surveys.

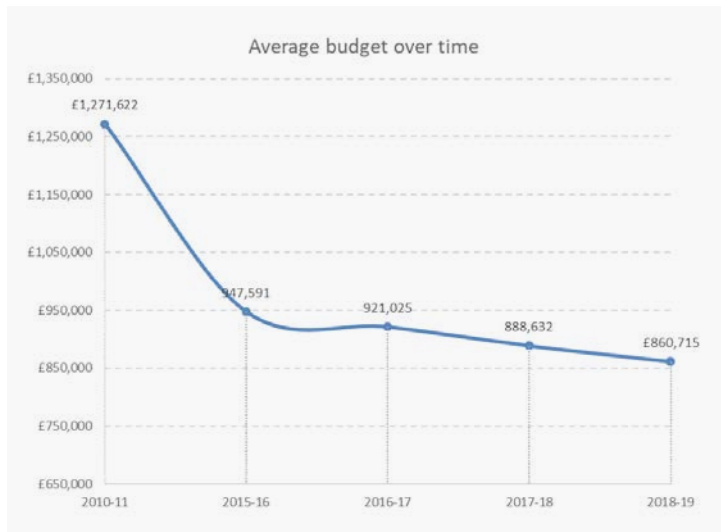


Figure 1 - Change in average local authority budgets over time<sup>5</sup>

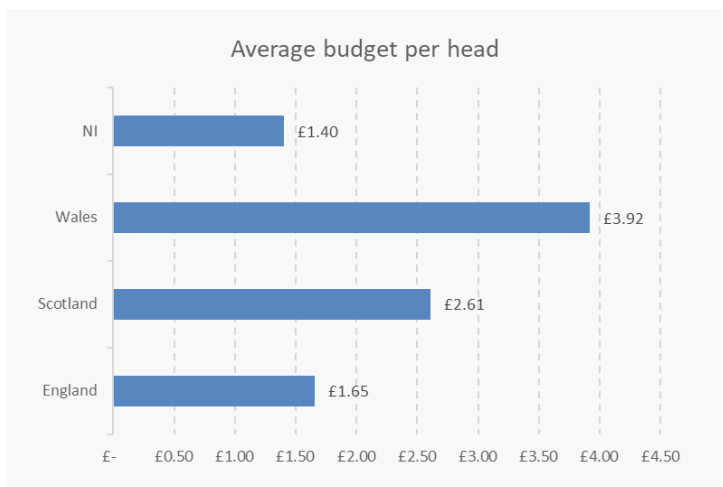


Figure 2 - Average budget per head of population by nation



There were eight authorities in the sample that spend less than one pound per head of population on their trading standards service.

Of the 20 top 'per head' spenders (ranging from £3.05 to more than £48) in the UK, 18 of these are within Scotland and Wales and seven of these had populations

of less than 100,000. This statistic has not changed since last year. The London Borough that spends nearly £50 per head of population has a resident population of approximately 8,000 but an estimated day time population of 500,000. Three of the next four high spending per head of population authorities were island authorities.

This suggests that small population sizes and higher travel costs equate to higher than average cost per head of population. The highest spending authority with more than 100,000 population was a Welsh Unitary Authority (£4.60). The lowest spending authority per head of population was an English Unitary Authority (47p).

Budget Range per Head of Population	Min	Max
English County Council	£1.10	£2.42
English Unitary	£0.47	£3.22
English London Borough	£0.72	£48.25
English Metropolitan Borough	£0.77	£2.70
Scottish Unitary	£0.95	£10.71
Welsh Authorities	£2.31	£6.01

## Income Generation

Heads of Service were asked whether they were looking to generate income from their trading standards activities.

78% of services who responded are looking to generate an income with the average service looking for around £101,775 per year. Targets ranged from £825,500 to £2k per year.

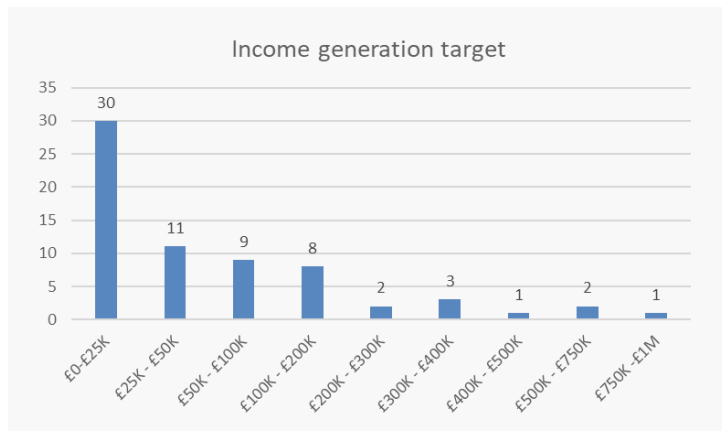


Figure 3 - Income generation targets

# METHODOLOGY

## Interviews - Budget

Across the interviews there were a number of opportunities to discuss budgets and their implications for the work of trading standards.

## Overview

Budgets are an ongoing challenge that drives priorities and requires continual justification of service outcomes to local decision makers. What was clear was that in nearly all services, budget, rather than issues or detriment, was driving behaviour. In other words, if an activity was funded by a government department - for example, checking compliance with fertiliser and animal feeding stuffs as per requirements from the Food Standards Agency - then it is likely that the activity will be prioritised for staff time. This occurred regardless of the relative risk of detriment to local consumers.

Smaller (0-7 staff) and medium (8-14) sized services tended to be more pessimistic about their Service's future, with one summing this up by saying, "...my main aim is to create the resemblance of a comprehensive service...".

Supporting the evidence in Figure 1, (Budget over time) some heads of service pointed out that they were more stable now, but they had seen drastic cuts previously. However, in services of all sizes there was nervousness about the future.

Some smaller services noted that budget cuts have slowed as becoming any smaller would have left little point in having a trading standards function at all.

## Trade-offs

What was clear from the interviews was that lower budgets had led to a number of trade-offs for heads of services, particularly those in smaller or medium sized departments. Heads of service were now forced to make decisions about which functions to continue and which to cease or reduce. The implications of these decisions can also be seen in later sections of this report, specifically in the staffing and priorities sections.

Prioritising issues was something cited by service heads who describe 'raising the bar' in terms of the investigations they could do, or having to make clinical cost decisions when it came to dropping investigations. It is clear that due to a reduction in staff capacity and budgets, local authorities were unable to take on as many investigations as they have in the past, with some investigations desisted because of new priority decisions. This prioritisation was cited by many as the reason regular inspections were now being abandoned. Many also indicated that they had no capacity to do in-depth or proactive work in their area, relying solely on intelligence and being reactive to issues as they arise.

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# STAFFING

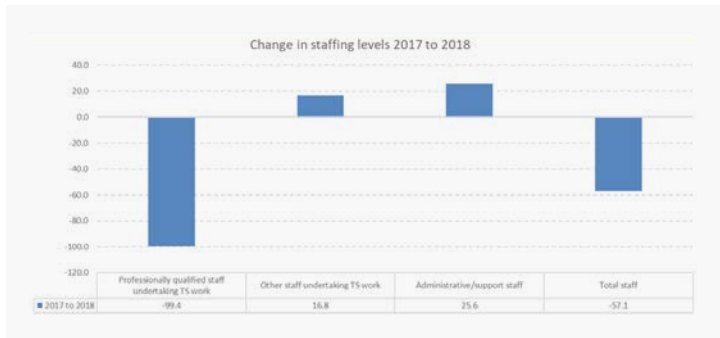
Respondents were asked for the number of qualified staff that their service employs; that is those holding the professional trading standards qualification such as DCATS, DTS, CTSP or equivalent<sup>6</sup>. They were also asked for the number of supporting staff, such as those who carry out trading standards work but who do not hold a trading standards qualification, or staff who provide administrative support.

## Year on year staffing comparisons

In the 2017 Workforce Survey it was possible to compare like-for-like the changes in qualified officers. The 2017 Survey showed that in the space of a year, 48.4 qualified trading standard positions had disappeared from the service, with 16 staff without formal qualifications or in administration roles coming into the profession. This suggested that Services were losing professionally qualified staff, replacing them with cheaper (unqualified) support staff, or staff working in a limited range of trading standards activities.

Figure 4 shows that from the 78 services that responded to both the 2017 and 2018 Surveys, a further 99.4 full time roles for qualified officers have been deleted during the last year. Again, as with the 2017 survey, a small number of these roles have been replaced by staff without formal trading standards qualifications or by administrative posts.

This represents another significant fall, equivalent to 10 Services' worth of qualified officers being lost from the profession.



**Figure 4 - Changes in staffing levels within Local Authority Trading Standards Services**

<sup>6</sup>DCATS: Diploma in Consumer Affairs and Trading Standards; DTS: Diploma in Trading Standards; CTSP: Chartered Trading Standards Practitioner - i.e. the professional qualification that provides authority to enforce the majority of trading standards legislation.



# STAFFING

## Qualified Staff

The average number of qualified, other, and administrative staff has remained similar to previous WFSs. There is an average of 9.4 full time equivalent (FTE) professionally qualified staff per service, with a total average size of a trading standards service, including non-qualified and administrative staff, of 15.4 full time equivalents.

The large proportion of services that have less than 6 FTE qualified staff, as shown in Figure 5, is a significant concern. It raises major questions on how services with such low numbers of qualified staff can cover the full range of their statutory duties.



Figure 5 - Total number of qualified TSO's per LATSS

## Skills

Trading standards services enforce a wide range of legislation as determined by UK and devolved governments. These give rise to a range of activities that are service, product, sector or legislatively based. The general areas of activity are provided in Figure 6 below. Heads of service were asked to consider which of the areas they felt that their teams had the skills to enforce.

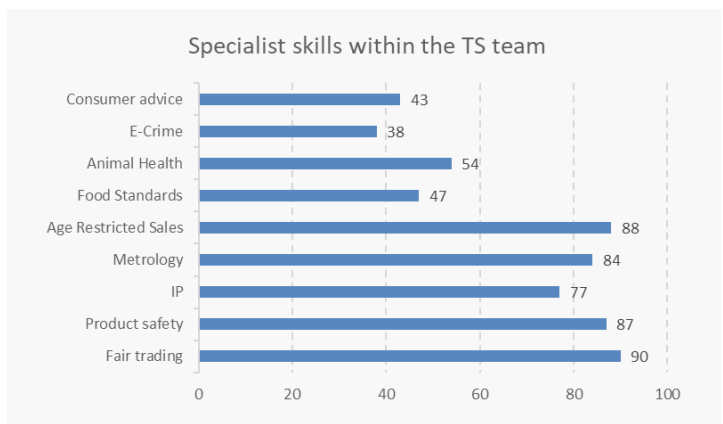


Figure 6 - What specialist skills do you have within your local authority trading standards team?

Figure 6 shows, as in previous surveys, that consumer advice and e-crime remain the least widespread skillset, with the former continuing to drop. The lack of online (e-crime) investigation skills remains a concern as it fails to match increased patterns of trade and consumer fraud on digital platforms.

As it is recognised that a qualified trading standards officer will receive training in the majority of the competencies covered by this question, heads of service were

asked for views as to whether they could deliver across the full range of trading standards' responsibilities.

Figure 7 illustrates that only 44% of those heads of service who responded felt that they have the expertise to cover the statutory duties placed upon their services.

## Staff Experience

This year's survey, for the first time, contained questions to determine the demographic profile of staff working within trading standards. Unfortunately, as this data has not previously been gathered, it is not possible to determine how this has altered alongside other changes in the trading standards workforce.

The response to this question indicates that there remains a vast amount of experience in the profession, 73% of the staff have more than 10 years' experience for example. However, this data indicates that there is a far smaller number of newer qualified officers coming into the profession, with only 12% having been a TSO for the five years-or-less category.

The results of this question, alongside findings on training budgets, planned trainee posts and apprentices, suggests the current system is not developing new trading standards officers quickly enough, or in nearly enough numbers to replace experienced officers when they retire.

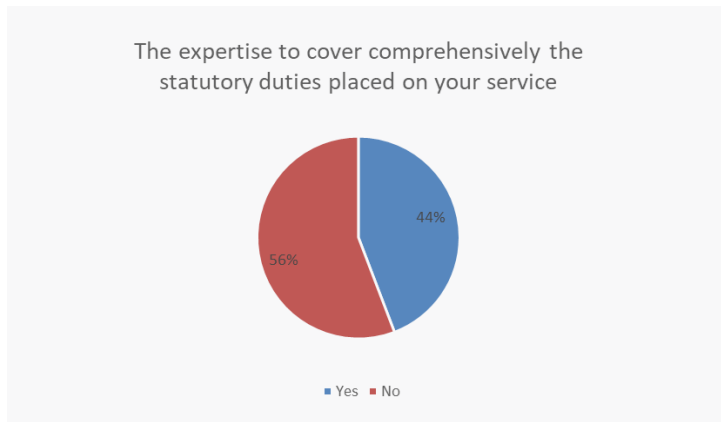


Figure 7 - Does your Service have the expertise to comprehensively cover trading standards statutory duties?

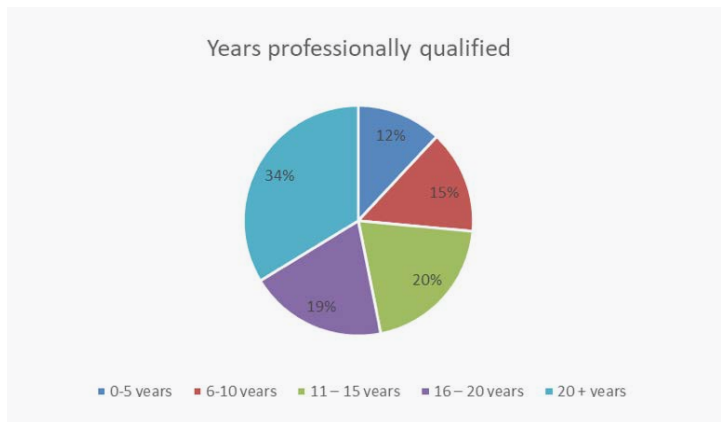


Figure 8 - Number of years professionally qualified

# STAFFING

## Future Staff

A number of questions were asked about planned trainee posts and the general appetite for apprenticeship schemes. The survey indicates that there are only 50 trainees across the UK, although 70% of services would have a trading standards apprentice if possible.<sup>7</sup>

There are only 21 planned trainee posts next year which could indicate a lack of ability to make long-term decisions on training. Only 23% of services have a planned budget for training next year. This could also reflect uncertainty, at the time of the survey, about the revised trading standards qualification, the Trading Standards Practitioner Diploma.<sup>8</sup>

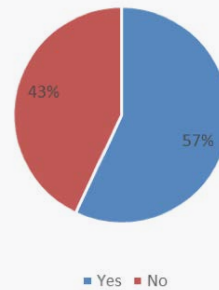
As with last year's survey, heads of service were asked their views on the issues around recruitment of staff and levels of expertise within their team.

Approximately two fifths of heads of service believe that they cannot recruit and retain expert staff. This reflects a similar number to last year.

<sup>7</sup>The Level 4 Regulatory Compliance Officer apprenticeship scheme (<https://www.instituteforapprenticeships.org/apprenticeship-standards/regulatory-compliance-officer/>).

<sup>8</sup>See also: <https://www.tradingstandards.uk/practitioners/training-development/ctsi-professional-competency-framework-2019>.

The ability to recruit/retain expertise to reflect local/regional/national concerns



**Figure 9** - Does your Service have the ability to recruit/retain expertise to reflect local/regional/national concerns?

## Regulatory Compliance Officer (RCO) Apprenticeship Scheme

The RCO was launched in March 2018 and was designed to be suitable for any person seeking a career in a 'regulatory service' whether in local or national government and also within the private sector. Recognising the aging trading standards workforce, CTSI supported the development of an apprenticeship scheme and was part of a 'trailblazer' group which brought together regulators from a variety of settings. Currently there are approximately 100 RCO apprentices studying for the award. Successful graduates of the RCO apprenticeship course would be exempt from at least Unit 1 of the new trading standards qualification which means that LATSS can off-set some of the cost of new staff under-taking professional qualification through the apprenticeship levy.

## Interviews - Staff and Skills

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### Overview

The common theme was that main implications of budget cuts has been on staffing and skills within services.

Many services reported similar issues:

- they were at risk of losing posts if someone retired;
- they struggled to recruit;
- they do not have trainee posts at all; or,
- they struggle to get training for staff.

This gives background to the continuing fall in qualified staff in Figure 4 (as well as last year's WFS).

A common experience of reducing staff numbers was reflected by comments from a relatively smaller service, "...when a post is retired it is unlikely that we will be able to replace it".

Many services commented that although they had experienced staff in post, they remain concerned by the lack of new officers coming through. This supports the data in Figure 8 (Years professionally qualified) and Figure 9 (Ability to recruit/retain expertise). These show that while there is a core of experienced staff still in the profession, they are a relatively older and ageing population.

One smaller service summed this situation up as being, "...on a knife edge...", and, "having the team members now to fulfil the role, but going forward they are ageing as a team with little confidence in being able to recruit new staff".

### Trainees

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Bringing new members of staff into the profession is an ongoing challenge for most heads of service. This is reflected in the statistics concerning trainee and apprentice positions.

One head of service said, "A trainee would not be financially viable".

Another commented, "We cannot plan for succession as we have no trainee budget, no apprentice budget".

There were concerns raised that even if they were able to bring in a trainee, the services were perhaps incapable of providing the required mentoring from existing staff. This was due to the near 'full capacity' workloads that precluded effective training by existing staff.

One service commented that with the workload of frontline trading standards officers being so heavy, it was hard for experienced officers to provide mentoring support for newer members of staff, limiting their capacity for long-term learning.

### Skills

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Many heads of service, especially those that manage smaller or medium sized services, commented that they highly value the broad range of skills that qualified trading standards officers can bring. They believe that there is as a high risk to future service delivery if these skills are lost.

One joint service (which was responsible for the delivery of both trading standards and environmental health) noted that the transfer of investigatory skills from trading standards to environmental health colleagues worked well within a joint service. Another unitary service noted that this flexibility assisted in identifying different issues beyond traditional specialisms.

Maintaining skills and preparing for the future was seen as a challenge by many services, mainly because there was limited budget or time for training. Some respondents mentioned making use of online training as a route to ensuring skills are preserved.

When considering how to maintain their staffs' skills, the value placed on free training was repeated by a number of respondents. Many services also mentioned reliance on CTSI Branch training for their work.

# PRIORITIES

This year's survey sought to identify each services' top priorities for the year. In the 2017 survey it was difficult to find consistent descriptions of similar work done by different services. As a consequence, trading standards activities were grouped into a number of categories as detailed in Figure 10.

Indications are that there has been little change in priorities for local trading standards services. Doorstep crime, product or 'consumer' safety and scams were amongst the top priority areas both in 2017 and 2018.

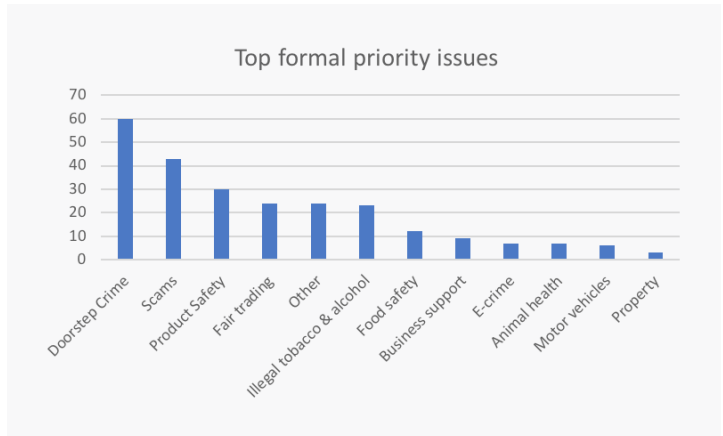


Figure 10 - Top LATSS priority issues

## Trading Standards Priorities

### Doorstep Crime

Includes all rogue trading that takes place at the consumer's home

### Scams

Includes mail fraud, telephone scams, and any other outright criminal activity that takes place from a distance (but excludes online fraud)

### E-crime

Includes email scams, phishing, fake websites or copycat website

### Food safety

Includes the labelling and composition of food

### Illegal tobacco & alcohol

Counterfeit or non-duty paid tobacco and alcohol

### Motor vehicles

Includes misdescribed (for example 'clocked') and unroadworthy vehicles

### Property

Includes lettings and estate agents, as well as misdescribed property

### Fair trading

Includes misleading pricing and steps taken to improve the standard of trading of local businesses

### Animal health

Includes animal welfare and legislation to prevent/control the spread of animal disease

### Product Safety

Includes the safety of consumer products placed on the market

### Business support

Includes advice on any of the topic areas above and includes Primary Authority advice<sup>9</sup>)

### Other

Any other trading standards activity not included above

<sup>9</sup>Primary Authority is an agreement between a company and a local authority - usually, but not necessarily - where the company's head office is based. The company can seek assured advice on trading standards issues from their 'Primary Authority' for which they pay a fee.



## ENFORCEMENT ACTION

**The 2018 WFS asked, for the first time, about enforcement actions taken by local trading standards services, including the number of prosecutions progressed or planned.**

From the 90 services that responded, there have been 822 criminal prosecutions taken in the past year, an average of 9.1 prosecutions per service. However,

from these figures it should be noted that one service had carried out 85 (around 10%) of these prosecutions. Ten services from the sample had not initiated any prosecutions during the past 12 months.

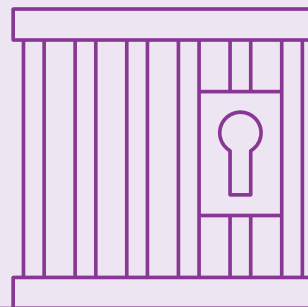
Of the 91 respondents who had considered civil enforcement action there had been a total of 30 actions taken. In 2015 the

Consumer Rights Act introduced new measures for civil enforcement action under Part 8 of Enterprise Act 2002. Responses indicated there had been little use of these new measures, although they have perhaps not yet bedded in.

“

...there have been 822 criminal prosecutions taken in the past year...

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# SERVICE STRUCTURE

## Formal shared service arrangements

There remains a large majority of services (78%) that are not looking to combine with neighbouring services. 65% responded that they were not in a combined service and 13% responded that they have considered this, but chosen not to do so. This has remained consistent with last year where a total of 73% of services were not looking towards a joint arrangement.

## Management within local authorities

Heads of service were asked in the survey whether they were responsible for other services in addition to trading standards. 54% responded that they were, which is a slight increase on the 49% last year. Some shared services, such as licensing and environmental health, are more common. There were however a range of other services that fell under trading standards, such as dog control or even blue badge administration.

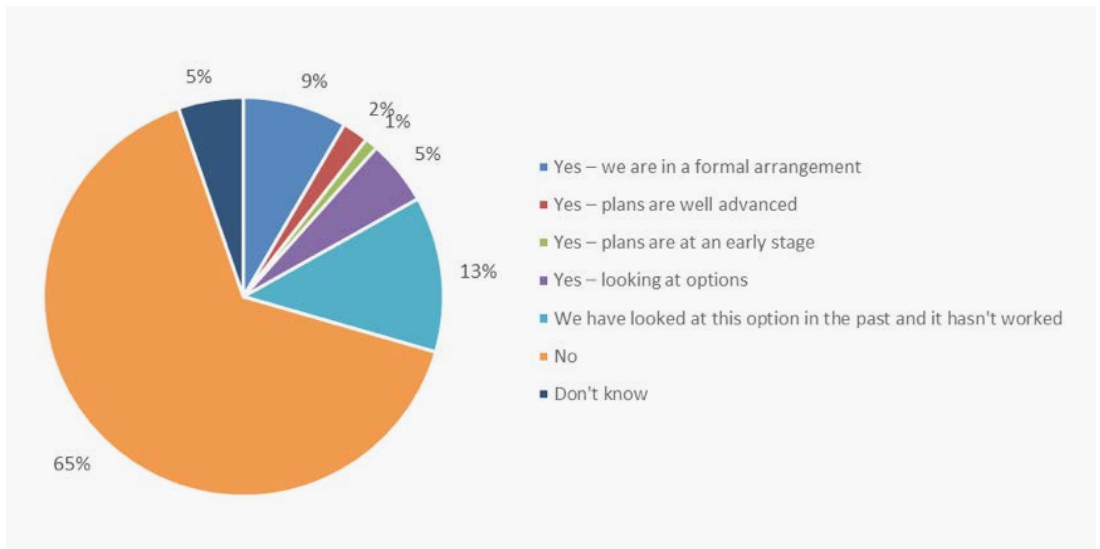


Figure 11 - Trading Standards Services exploring or planning to enter into a formal arrangement with another

## Management Tier

The survey sought to establish at which tier of local authority management the TS head of service role was placed within the structure. Chief Executive being the highest tier, level 1.

As with the 2017 survey, the majority of heads of service remain at levels 4 or 5. However, this is a lower management tier than that indicated in the Survey in 2014.

The main implication of being in a lower management level was a lack of ability to influence year-on-year budgets. This was observed in comments such as, “...I am not in the meetings where those decisions are made...” and “...each year the budget is a conversation...”.

These issues are expanded further in the next section which summarises the one-to-one interviews with a cross-section of heads of service from across England, Scotland and Wales.



Figure 12 - Hierarchy of Trading Standards management within Local Authorities

“

...I am not in the meetings where those decisions are made...

”

# BACKGROUND

**The statistical analysis of WFS returns in Section 1 of this report provides quantitative evidence of the trends within local trading standards service budgets. These show starkly that local funding for trading standards has more than halved in less than a decade.**

This has naturally led to large reductions in the numbers of qualified trading standards officers, as well as very little new staff, or training for existing officers. It has also meant services face significant challenges when trying to meet their statutory obligations and local service priorities. In summary, the overarching trading standards role of protecting consumers from unfair, unsafe or illicit trading while creating a healthy business environment has been severely degraded.

While there are key findings extrapolated from quantitative analysis of the Survey, it was decided that this year's WFS should also incorporate qualitative findings directly from frontline services. To this end a number of one-to-one interviews were held with heads of service in order to better understand the issues behind the statistical evidence. The objective was to receive first-hand evidence on how, in light of severe budget cuts, their services managed key issues such as staffing, service prioritisation and enforcement matters.

## Methodology

A randomised sample of services from across England, Scotland and Wales were identified that are: small (0-7 officers in the service), medium (8-14 officers), and large (15 officers or more). The authorities in England were also classified as London Boroughs, Unitary Authorities and County Councils - the latter being 'two-tier' authorities where certain local authority functions (such as Environmental Health) are administered at District Authority level.

30 services were selected and invited to interview. 19 agreed to take part - seven from both the small and medium sampled authorities, and five from the sample of larger authorities. These interviews were carried out between January 2019 and March 2019 using a set of pre-agreed topics.

The topics were designed to broadly guide the conversation with the head of service.



Under each theme were draft questions that it was anticipated might cover the substantive issues. However, as the aim of the interviews was to draw out broad themes and findings, there was latitude to explore and question any other areas the interviewee wished to raise.

## Summary of Themes

Throughout the interviews there were a number of themes that relate across the breadth of work trading standards do.

### Budget impacts

It was not a surprise that the main issue for concern for most authorities is budgets. What these interviews show is the varied impact of budget cutbacks on services of all sizes. In nearly all cases, apart from the largest of services, there were trade-offs between:

- raising the 'threshold' they set for taking enforcement action<sup>10</sup> - the depth they investigate an issue (for example through testing or follow-ups)
- the complete dropping of 'routine' inspections
- loss of proactive intelligence gathering
- loss of management capacity to plan and/or to take on new initiatives
- limits to training of existing staff; loss of trainee posts
- loss of succession planning
- and very diminished profile to deal with challenges.

### Networks

A stand-out point made by many services was how they use networks, both formal ones facilitated by national bodies, or informal ones between colleagues in other services. Many of these

networks function to overcome some of the limitations set out above, for example in loss of management support, or training of existing staff members. Regional co-ordination groups consisting of heads of service from local authorities in a defined region - such as the Welsh Heads of Trading Standards (WHoTS) and Trading Standards South East (TSSE) - were repeatedly singled out for praise. ("It's what keeps me sane." - Mid-sized English Unitary Authority Head of Service).

### Intelligence

The importance that intelligence plays across trading standards work - being in many cases described as an 'intelligence-led service' was juxtaposed with various concerns about the quantity and quality of the intelligence that they have available to them. The loss of consumer advice complaint data was a theme for the reduced availability of profile and intelligence. The degree to which an 'intelligence-led approach' has been adopted varied from authority to authority, but was identified as a key tool by most services.

<sup>10</sup>Most Trading Standards have mechanisms to determine which potential breaches of trading/standards legislation they will investigate.

<sup>11</sup><https://www.uk-osint.net/documents/Agenda%209%20IOM%20v2%20Appendix%20A.pdf>.

### Intelligence Led Enforcement<sup>11</sup>

The Trading Standards intelligence operating model (IOM) has been developed by National Trading Standards (NTS) for the benefit of the trading standards profession. Developed from other enforcement agencies, it introduces a national intelligence framework to support not only NTS to deal with national and regional enforcement needs but also local authorities in their day to day work.

The IOM introduces a number of tools to assist an intelligence led approach, but the fundamental principles include the identification and assessment of risk of harm to consumers and local communities from illegal trading activity.

It includes the identification of local, regional and national threats and facilitates the joining of resources to enable local authorities to collectively tackle the biggest threats. The creation of an intelligence network and the establishment of Regional Investigation Teams have been key elements in the success of this approach.

# DISCUSSION ON PRIORITIES

**This section typically started by asking the head of service to set out how their authority goes about putting together their annual plan (or other structure) of trading standards priorities. It then moved to discuss how they dealt with cases and challenges that flowed from this.**

## Strategic and Operational Planning

Whilst each service adopted a different approach to how they prepared for the forthcoming year, there were several points in common. Most services were operating in a context of a reduction in resources and thus emphasised the need to prioritise. Nearly all are 'complaints-led' in some form, and some services consider wider priorities within their Council which are often influenced by local factors - for example, animal health and feed enforcement was important in rural authorities. In most cases the way the service operated and the 'trade-offs' between certain actions was described in the context of the amount of resources they had available, rather than to detriment or complaints.

Most services stated that they set yearly priorities, usually based on intelligence, national issues or in the cases of more rural areas, driven by their local circumstance. Many services noted how their priorities had shifted, mostly to retain relevance, but also to reflect local priorities and (by extension) additional sources of income. For

example, one head of service stated that 50% of his budget came from Public Health.

One medium sized service noted that they had successfully pegged themselves to the overarching priorities of their authority which had helped keep them relevant. A large English County Service outlined how the process had changed from an in-depth assessment of local needs and priorities, (involving elected members) to a more streamlined approach using the Integrated Operating Model. The new approach took into account national and regional priorities through an annual assessment of strategic risk as well as local issues.

A common theme was that services had had to 'raise the threshold' on the cases they would be able to take, by either being more willing to drop a case if the investigation indicated that there would be no prospect of successful legal action - or only taking cases where there were high levels of consumer detriment.

Head of service within many smaller and medium sized services reflected that their role as a manager was to juggle priorities and services. Three individual heads of service used the phrase "fire-fighting" when referring competing priorities. Another referred to the management of their four trained officers as, "*Having four officers spinning plates - needing to identify which ones to keep up*".

There was often a tension between following intelligence and traditional

priorities, such as food safety inspections. In smaller services this balance was often far sharper. For example, one small service noted that non-priority projects had to be dropped completely if complaints came in over the year. Unitary authorities often combine trading standards with environmental health and there was some feedback that food hygiene inspections dominate the authority's approach to compliance at the expense of other regulatory services.

Many services indicated that their main work came from being 'intelligence led'. However, due to a reduction in resources, there was a reduction in other activities - one of the most common being routine inspections. Being able to offer consumer advice or take complaints directly was also cited as suffering a knock-on impact. Many heads of service stated they were sceptical of the value of routine inspections outside of food and feed, although they recognised that meant a loss of further sources of local intelligence.

Not all heads of service were totally committed to the Integrated Operating Model. One respondent, who noted that the main things they had had to limit had been regular inspections and testing, said that they were not certain whether the loss of this work had been detrimental. However, another medium sized service noted that the intelligence model had mainly been successful in assisting consumers and businesses where they had an issue.

A larger service noted that they had almost completely adopted the Intelligence Operating Model (IOM) as it helped them to priorities issues and resources. However, this service noted that it was not suitable for all trading standards work, for example primary authority activity could not be done in this way.

There was one smaller service that rejected the IOM completely, noting that their approach was focused far more on the overall outcomes they desired and they continued to look to do pro-active compliance work, such as checking local businesses' compliance with 'Challenge 25'<sup>13</sup>.

“  
Having four officers spinning plates - needing to identify which ones to keep up.  
”

<sup>13</sup>'Challenge 25' is a programme adopted by many retailers of age-restricted products such as cigarettes and alcohol where it is an offence to sell to young people under the age of 18. It is often very difficult to determine the age of young people. Challenge 25 requires retailers to ask for proof age of any intending purchaser who looks like they could be aged under 25.

<sup>14</sup><https://www.citizensadvice.org.uk/consumer/get-more-help/if-you-need-more-help-about-a-consumer-issue/>.

## citizens advice

### Citizens Advice Consumer Helpline<sup>14</sup>

Free impartial advice is available to consumers who have encountered a problem with goods or services that they have purchased and want to know their legal rights. The Consumer Helpline service is provided by Citizens Advice and is available either on-line or via telephone. The Consumer Direct advice partnership was initially set up with Local Authority Trading Standards Services in response to a recognition that advice for consumers was patchy throughout the UK. Some, but not all local authorities provided advice as part of their trading standards service. However, there was no single national source of advice. Free impartial advice is available from the Consumer Helpline and details of the complaint, name and address of consumer and trader are recorded - with the consent of the consumer.

Details are then notified (Notifications) to the relevant local authority(/authorities) where the trader in question is based and the consumer lives. In the event that there may be a potential breach of trading standards criminal legislation and/or some other criteria agreed between Citizens Advice and the relevant local authority has been met, then the details of the complaint will be referred (referrals) to the relevant local authority for follow up action/consideration.

This may include an investigation by the local authority and potential enforcement action, or the details recorded to ascertain whether there is evidence of consistent non-compliance.

## DISCUSSION ON PRIORITIES

### Intelligence challenges

Many authorities cited the loss of their own civil law consumer advice services as being detrimental to them being able to create an assessment of trading patterns in their local area. Many were also concerned about a decline in notifications and referrals from the Citizens Advice Consumer Helpline. A medium sized northern service noted that they currently get around 15 referrals a week, but this used to be far higher. Given the reliance of services on the intelligence they receive, mainly from the Consumer Helpline, many services noted that establishing their intelligence picture was an increasing challenge and concern for the future. It is worth noting that no service suggested that the Consumer Helpline should be de-centralised - one larger service summed this up by saying that this was a far superior service than what could have been provided before.

Some heads of service speculated as to the reasons why the data was reducing, such as consumers complaining elsewhere via social media or online forums. One respondent expressed concern that people are getting wrong advice via these channels. It was mentioned by a few heads of service that they would like to see more promotion of the Consumer Helpline to encourage consumers to make complaints which would assist with the flow of intelligence.

The quality of intelligence from the Consumer Helpline was also a concern across several different sizes of authorities. Many reported that they put as much staff time as they could into looking through and logging referrals and notifications to interrogate whether there is more intelligence within certain cases. For example, a small London Borough noted that they enter all Consumer Helpline data into Memex and look at notifications and referrals each day because they were concerned that if they did not, it could lead to an incomplete picture and risked missing trends in poor trading practice.

A broader concern was raised that the reliance on Consumer Helpline complaints data limited the intelligence picture. For example, one head of service suggested there are issues a consumer is unlikely to complain about, or notice, such as pricing law breaches. For many Services this was a concern as they were limited to looking for 'alternative' sources of intelligence, such as being proactive on investigating issues, or having their own consumer advisors collect intelligence. A larger service, while confident overall about their local picture, was concerned about invisible detriment, such as, elements of supply chain issues that would not come out in consumer complaints.

One larger northern service noted that it still had two consumer advisors and that they were able to broaden out their intelligence picture with locally created intelligence logs. It was interesting that in this example the head of service doubted that they would be able to keep their advisors' posts when they retired or left. This was countered by another larger service who had lost their civil advice team (seven FTE posts) and missed the intelligence picture that they created for them. A surprising number of smaller services, however, stated that they retained some level of consumer advice service.

“ Many were also concerned about a decline in notifications and referrals from the Citizens Advice Consumer Helpline. ”



# DETRIMENT RECORDING

This section started by looking to establish how and where the service recorded its data. As expected, the majority of services recorded their work on the Civica/Flare<sup>15</sup> system, Uniform, or Tascomi<sup>16</sup> - these could broadly be categorised as 'activity logging databases'. They were originally created to help local authorities to generate statutory returns to central government. For example, the number of 'weights and measures' inspections and the number of goods tested for compliance with product safety legislation. Local authorities strive to identify all businesses trading in their geographical area and to record name, address and type of business. Any complaint or activity relating to the business - including market surveillance and business advice - can be recorded and held electronically. All services used or had access to either IDB<sup>17</sup> or Memex, with a few services having access to both - these could be categorised as 'intelligence recording systems'.

## Activity Logging Databases

Almost all services noted that everything they do should be recorded on these systems. While many services commented that their systems were not ideal, there was little consensus on what the major issue was, or how this could be changed. One head of service with an environmental health background stated that the trading standards systems were far superior.

There were common points made by services of all sizes. Many services had to use external forms or spreadsheets to record more complex data or prepare for court filings. One medium sized English unitary authority had access to a case management system that enabled the electronic transfer of prosecution files between officers and the authority's legal service. This included the facility for the authorisation of legal proceedings without the need for paper copies. Services characterised their database systems as 'clunky', with one service complaining about its lack of mobile adaptability. Almost all services noted that there was overlap between their system and neighbouring authorities, though there were very few reasons put forward as to why this was a concern.

A larger service noted that often the 'gaps' in what could be recorded in these systems could be covered by their intelligence management system.

## Intelligence Recording Systems

The use of intelligence recording systems was noted as beneficial, especially when dealing with outright criminality. Services commented it was now easier to see where an individual (or material evidence such as a vehicle) had been identified previously.

There were some specific issues that some services raised with these systems. Some noted the very different reporting by several other authorities regarding cross border intelligence - highlighting that some include all intelligence; some just doorstep crime; and others avoid putting civil matters onto intelligence systems. One smaller service noted that it hoped for more clarity on data recording methods to avoid intelligence being double recorded on both systems.

Some English and Welsh services noted that they do not have direct access to the other system (IDB or Memex), which can slow investigations if they have to go through a regional partner. A few noted that a single system would be logical in the future, being unclear as to why there are two separate databases.

The cost of these systems was seen as prohibitive by one head of a smaller service, especially as they struggle to justify this spending to their governance system.

<sup>15</sup><https://www.civica.com/en-gb/> The majority of trading standards services use a database that was originally known as Flare - a software company based in the southwest and subsequently bought by Civica. Trading Standards personnel often still refer to the Flare database. It has also known as APP.

<sup>16</sup><https://www.tascomi.com/solution/public-protection>.

<sup>17</sup><https://intelligencedb.org.uk/login.html?ReturnUrl=%2f>.

# FORWARD LOOKING

This section opened with a question that sought to establish the heads of service confidence in their ability to prepare for future challenges, for example the shift to online sales.

## Forward looking: Issues

There were mixed views on confidence for the future. Some smaller and medium services were quietly confident about the future while others were far more negative. The larger services interviewed were confident that they would be able to deal with most challenges within current budgets, though noted they were not in control of future major budget cutbacks.

A head of service from a medium sized London Borough stated they were more confident than they were a few years ago, but have had to adapt to survive. They claimed to be fortunate in timing as there have been fewer local cuts - but this could change.

Many services pointed out they were comfortable dealing with changes in legislation. One larger service noted that as a professional it was often easy to spot the unintentional consumer harm as a result of changes in Government policy. For example, the Government's recent 'Green Deal', whilst intended to reduce carbon emissions had inadvertently opened the market to rogue traders who misled consumers by overstating the financial benefits and/or grants available to modernise heating appliances and home insulation etc.

Many of the comments from those services that were negative about the future were disparaging.

- *"We are not looking ahead".*
- *"We are not confident about the future; we will manage but at what level?"*

One service noted in particular that they felt that the internal infrastructure support, such as IT and legal services, will be reduced as these Council services have also seen severe cuts.

## Online

Several services were confident that they could adapt to the shift to online sales - especially due to the in-depth skills that trading standards officers have and the training that has been provided. However, some services were concerned about their ability to keep up. One head of service commented that, *"We can do 'old fashioned stuff', such as test purchases but would not be able to do a complex investigation online"*.

The lack of a co-ordinated national programme was raised. Staff losses and the restrictive or bureaucratic nature of Regulation of Investigatory Powers Act 2000 (RIPA) were also raised as particular concerns.

## Forward looking: Staff

There were concerns, particularly amongst smaller and medium size services, about staffing demographics and training. Many

services could create trainee posts, but only if existing staff departed. There was also a recognition that many services had an aging workforce and there were real concerns that they were unable to effectively plan for succession due to a lack of funding.

The lack of trainee positions was a point raised by many. One smaller service said, *"A trainee would not be financially viable"*. Another said, *"We cannot plan for succession as we have no trainee budget, no apprentice budget"*. There were concerns raised that even if they were able to bring in a trainee, the service was not set up to provide the mentoring from existing staff. This was due to the near "full capacity" nature of their work which, it was feared, would prevent any newly recruited individual from learning effectively. One smaller service summed this up as being on 'a knife edge'; *"having the team members now to fulfil the role, but going forwards they are ageing as a team with little hope of new staff coming in..."*.

A counterpoint to this was the experience of a larger service who, appreciating the value of having highly qualified staff in enforcement and business support, are putting all staff through the professional development and qualification training provided by CTSI. It was also recognised that for the English Authorities, the Regulatory Compliance Officer Apprenticeship Scheme gave some hope for the future. Whilst concern was expressed about the delay in introducing a new trading standards professional qualification, there was some optimism that this would at least provide the basis for training new staff.

# NATIONAL TRADING STANDARDS

## National Trading Standards/Trading Standards Scotland (NTS/TSS)

This section opened with a question asking about LATSS’s interaction with National Trading Standards (NTS) or Trading Standards Scotland (TSS) and seeking opinions on how these operate. It is important to note that while this report focuses on small, medium and large services, there is a difference in the landscape between Scotland and England and Wales<sup>18</sup>.

## National Trading Standards/ Trading Standards Scotland

The National Trading Standards Board (now known as National Trading Standards: NTS - covering England and Wales, and Trading Standards Scotland; TSS - for Scotland) was created by Government as part of the Consumer Landscape Review that resulted in the cessation of the Office of Fair Trading and the sharing of responsibilities between the new Competition and Markets Authority (CMA), Citizens Advice (for the provision of Consumer Advice and Education), the Chartered Trading Standards Institute and NTS/TSS.

As well as providing a strategic lead for England and Wales and Scotland respectively with regards to ‘fair trading’ legislation, NTS and TSS provide the following main functions funded by the Department for Business Energy and Industrial Strategy (BEIS):

- Intelligence network
- Regional Coordination
- National Trading Standards Teams
  - Scams
  - Estate Agents
  - Ports and Borders
  - E-Crime Unit

- Regional Investigation Teams
- Funding for tackling Level 3 criminality (falling within the scope of ‘fair trading’ legislation - viz false and misleading claims, dishonest trading practices such as ‘rogue trading’, etc.)

NTS has also been recognised by other Government departments as having access to a network to ensure that funding gets to trading standards services to deliver specific outcomes. For example, the Department for Environment, Food and Rural Affairs has allocated funding via NTS and coordinated by regional groups for the delivery of fertiliser and feed hygiene inspections by local trading standards services.

The model in Scotland operates differently, with Trading Standards Scotland (TSS) having a distinct enforcement team that tackles broad level 2 (cross authority) cases. TSS also manages intelligence on national issues and coordinates priorities based on its analysis of trends in unfair trading practices that cause significant consumer detriment.

“ We can do ‘old fashioned stuff’, such as test purchases but would not be able to do a complex investigation online. ”

# NATIONAL TRADING STANDARDS

## Positives

All authorities interviewed stated that they felt there was a value in having these bodies in place, even if in other parts of the discussion they may have been critical of elements of NTS/TSS work. Several services (of all sizes) commented that there was huge value for local services having a national body to rely on - for information, for leadership on issues, or to provide local politicians with wider context on the work of trading standards.

Some heads of services commented that having NTS makes it easier to explain to their elected members the role that trading standards contribute at a national level. For example, a larger service highlighted the way that they could link to national impacts via the proposed Association of Chief Trading Standards Officers (ACTSO) Performance Framework.

One larger service praised NTS for filling the gap caused by council cutbacks and taking on larger cases which services may have taken on in the past, but are now constrained by risk or staff numbers<sup>19</sup>.

A smaller rural service noted that the funding for feed inspections provides them with the flexibility to get this work done and suggested that a similar system for metrology would be useful.

## ACTSO Impact and Outcomes Framework

The Association of Chief Trading Standards Officers (ACTSO) is a representative group of trading standards heads of services that forms part of the Chartered Trading Standards Institute. ACTSO represents the views of heads of service and as well as regular networking and training meetings, has a number of workstreams intended to support Local Authority Trading Standards Services. One of these workstreams - supported by BEIS - is to develop a series

of outcome measures for trading standards.

It has been notoriously difficult to devise a set of qualitative and quantitative measures that adequately express outcomes from the wide range of trading standards activities. The ACTSO framework has been developed by trading standards professionals to enable heads of service to augment empirical data with case studies and narrative that helps to demonstrate the value of services delivered.

## Improvement and the future

There was concern that there are backlogs in the cases that NTS is able to support. One head of service, commented there was a risk that expectations of "funds being limited" was undermined by multi-year cases taking up budgets.

Some services commented more generally that they had experienced issues with communications between themselves and central bodies, causing confusion and a negative perception.

Amongst the Scottish services questioned, there was a view that more of an input into how cases were decided upon would be useful. A larger service commented that they were unsure how decisions were made when dealing with intelligence reports. There was expressed a perception that there was primarily a focus on the central belt of Scotland (Glasgow and Edinburgh).

<sup>19</sup>One of the undoubted successes of NTS/TSS has been the tasking process to enable the Trading Standards community to tackle 'rogue traders' operating on a national level. The creation of the Regional Investigation Teams and the ability of individual local authorities and regional groups to either seek financial support to tackle regional or national criminality emanating from their area, or to refer the Organised Crime Group to the RIT to seek funding support from the National Tasking Group set up by NTS/TSS. Investigations leading to successful prosecutions has meant that criminal groups - which would have otherwise been beyond the capabilities of a single local authority - have been brought to justice.

### Networks: General Comments

Something that came up within many conversations with services of all sizes was the reliance on networks. These included: regional co-ordination groups facilitated by NTS; informal co-operation between groups of services; CTSI branches; internet-based groups such as the Knowledge Hub; and individuals reaching out to each other. The influence of these groups could be broken down as advice, training, sharing of best practice, use of intelligence, and peer support.

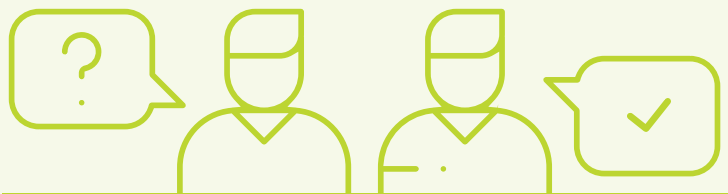
One medium sized service, whose management team had gone from five to one, described the reliance that they have on their regional group as “keeping me sane”. This same service noted that the value of this was created by the leadership it was able to provide, moderating the demands on different types of local authority within the regions.

Many regional groups were cited as providing valuable training support for existing officers. So, too, more formal programmes of training were noted, such as TSS cyber-crime training.

Some Scottish authorities, all of whom were not in a position to merge their authority’s work, noted that the North of Scotland collaboration gave them additional confidence in the resilience of their service.

Many heads of service discussed how the trading standards profession informally networks to share knowledge or deal with challenging issues. This ranged from phone calls to discuss problems between former training colleagues - to reaching out to known experts, such as the CTSI Lead Officers. However, a smaller London service noted that as services dwindled this facility was rapidly reducing.

A repeated theme was the loss of guidance and support across all trading standards functions that was formerly provided by the Local Coordination of Trading Standards (LACORS) which formed part of the Local Government Association. Whilst policy support and guidance from NTS/TSS on issues that fell within the compass of BEIS was very welcome, there was a perception of a far lesser level of support and guidance from other Government departments.



## RESOURCES/STAFF

**This topic generally began by a discussion on the heads of service's experience of the last few years, usually leading to an exploration of budget setting. Many of these questions were raised as supplementary earlier in the conversation. For the purpose of this report they have been drawn together into this section.**

### Staffing levels

All authorities reported a reduction in resources and a fall in staffing levels of between 30% and 50% over the past 10 years. Only one of the authorities - a large English County authority - had avoided significant reductions in operational staff. Several of the smaller authorities have less than four staff (one Scottish and one English unitary) and only one fully qualified trading standards officer. Another Welsh authority had suffered staff reductions from 16 to 4.8 FTE staff over an 11-year period.

### Budget

Budgets were described as an ongoing challenge and a potential issue in the future. One smaller service summed this up, though the sentiment was repeated by a number of others - *"each year the conversation is 'what do you want to stop doing?'"*. Within these conversations about budgets there was near unanimity that changes were beyond heads of services' control and that they could only make representations about value.

Linking work to council priorities was one approach, but heads of service of all sizes gave examples of how they had argued to protect their budgets. 'Required statutory duties' was an argument some had raised. Some heads of service from smaller local authorities noted that they did not expect significant further cutbacks, simply because their service was already too small. One larger service noted that the relatively senior position of their head of service within the local authority kept them visible in budget discussions.

### Training

Many services raised the point that there were no funds for training existing staff. One medium sized service said, *"we happen upon money rather than being able to plan..."* Many services stated that they were reliant on free training delivered by central agencies or by regional groups.

Some geographically remote services (or those in a large region with a natural hub) commented that the cost of travel to get to the training venue (even if the training itself was free) was often too expensive to make it viable. Some services stated that they were working to overcome this by using more flexible online training.

Many services noted the shrinking training landscape, especially given previous experience of residential courses. Similar to the points raised around trainee posts (please see above) there was a concern that

staff could not develop to become qualified by the routes previously utilised.

### Recruitment

Some services were also seeing their traditional ability to recruit new officers drying up. One medium sized service noted that they were reliant on consultants as the skills they required were not readily available in the marketplace.

### Skills

Several heads of service felt the breadth of the trading standards skillset was invaluable when dealing with workload issues. This was true both for those services responsible for just trading standards legislation, and also with those within shared services with a wider legislative brief. A smaller service noted this skillset was vital to identifying different issues in their area.

However, one larger service noted with concern that his service had fewer trading standards professionals who were able to specialise, meaning that they had to "dip in and out of things", while other staff tended to be trained for specific tasks. They were concerned that if issues shifted to the core trading standards work there may be a lack of skills to match demand. This was an issue for smaller services, with one head of service from Scotland indicating that even where officers acquire specific training, a competing service issue will arise requiring their attention, negating the effectiveness of the new skills.

## LOCAL AUTHORITY STRUCTURE

**This section was often divided amongst other parts of the conversation. For example, if the head of service indicated in their introduction that they managed another service in addition to trading standards, the interviewer often followed up at this point.**

### Sharing responsibility for managing other services

Many heads of service indicated that they also managed another team separate from trading standards services. Most noted that there were both benefits and challenges to this approach. Many pointed out the synergies between different Services' powers. For example, one authority that shared taxi licencing enforcement found that using consumer law offences was easier to secure the desired outcomes. Further, the skills that trading standards have are highly valued in supporting other teams. A larger service noted in a recent prosecution that trading standards officers were able to assist in a court trial. Developing other professionals with investigative skills was seen as useful in terms of resilience for both trading standards and other services.

However, there were concerns that trading standards became marginalised in such arrangements. One medium sized service, that had for a time run as a merged regulatory service (now dissolved) commented that this was hugely detrimental to trading standards. In their experience trading standards

staff had taken on the role of supporting other colleagues to the point where no trading standards prosecutions took place in that time.

A major challenge facing one medium sized service was that the other services for which they were responsible for were far higher in Councillors' priorities, often meaning that their time was pulled away from trading standards.

A larger service commented that constantly shifting arrangements could lead to a loss in visibility for the service - both in clarity to the public and to elected officials.

There was also concern expressed by some heads of service that their authority was expecting them to take on additional responsibilities for other regulatory services without any additional financial remuneration. Reductions in management teams as a consequence of service restructures often led to the head of service having to deliver the same range of services with fewer staff and less management support.

### Merging with other councils

Most heads of service indicated that, even if there had been a consideration of a joint service in the past, there were no plans for combining with another authority. Some felt that by combining with a neighbour the differences in priorities (rural to urban for example) would be detrimental

to their service delivery. Others noted that whilst there might be an executive desire to save money by sharing resources with a neighbour, this might not be acceptable to local elected members, nor were the savings as readily identifiable when a more detailed analysis was undertaken.

There were a handful of services of all sizes that had experience of merging, being merged, or de-coupling from a merger. This included the north of Scotland where heads of service have taken the initiative to explore the advantages of joint service provision. A medium sized northern service had been through a number of attempts to merge with neighbouring authorities. These had all collapsed mainly due to differences between the constituent authorities over the benefits of the merger.

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The skills that trading standards have are highly valued in supporting other teams.  
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# LOCAL AUTHORITY STRUCTURE

A small southern service (the merger of two smaller services) noted that they wished at the time there had been more due diligence conducted on the challenges of merging. The head of service noted the challenge within this arrangement of fulfilling two different governance structures, each with their own timetables and different demands. Furthermore, the different policies of each authority could cause challenges. For example, one authority had a more liberal approach to social media. A small northern service had been part of a joint service with a neighbour but this had been decoupled. The reason for this was that one of the partners wanted to maintain a non-statutory function that the other wished to cut.

It has been suggested that the advantages of merging services are that -

- it provides flexibility across issues,
- it increases the ability to train and maintain staff,
- it increases the visibility of the service locally and nationally.

However, the interviews highlighted the real challenges of merging services that differ in size, have asymmetrical budgets, differ in their political oversight and service priorities and have variances in culture and geographical features.

One larger service noted that in their position as a well-funded authority they already had the advantages of being a larger merged service.

A larger northern urban service, one that had informally considered joining with a neighbouring rural authority, noted the challenges in combining not only priorities but the different ways that authorities operate. In their view the only way mergers could succeed would be for a central push from government to overcome the challenges. Where formal arrangements were in place to create a unitary authority, the head of service welcomed the opportunity to work with other regulatory services for a combined delivery, but in general, there did not appear to be any clear programme to extend unitary authorities across the country.





# CRIMINAL & CIVIL ENFORCEMENT POWERS

The questions in this section often came up as follow-up questions in the **Priorities, Forward Looking, or Resourcing** sections.

## Views on the trading standards enforcement role

There were various views across all sizes of service on the correct route for trading standards' investigations. Many authorities see their primary function as tackling criminal activity through enforcement action.

However, some authorities placed more of an emphasis on supporting businesses into compliance. At the far end of the latter view one service described resorting to criminal prosecutions as a failure, with their main aim being to take measures to guide businesses away from non-compliance. A less extreme view expressed by another medium sized authority was that criminal enforcement action is more of a last resort amongst the other powers that trading standards have. Many, especially the larger services, struck a balance between the two with one stating, *"We are an enforcement and compliance service"*.

All services noted, even those with policies that were intentionally business friendly or preferred to avoid prosecutions, that they would always look for a zero-tolerance approach in certain issues, such as doorstep crime where there was clear evidence of deliberate illegal trading causing significant consumer detriment to vulnerable consumers.

## Case Study

Some authorities have a balanced approach, in line with the Regulators' Code. For example, one Midlands based authority received intelligence that a local company had supplied the Grenfell Tower with non-compliant fire doors. The doors had been described as capable of withstanding fire for 30 minutes, a requirement of British/European Standards. However, when subsequently tested following the fire they were found to fail after only 15 minutes.

The company concerned had ceased trading and a different legal entity had taken over production from the same site. It was established that this new company was also producing non-compliant fire doors. The trading standards service tasked with the investigation immediately sought elected member approval to achieve compliance rather than prosecution. On balance it was decided that the public interest was better served by working with the company to ensure the non-compliant fire doors were replaced, rather than to seek to prosecute. In this case pursuing a prosecution risked the company going into liquidation without securing crucial residual actions.

## Civil powers

There was no consistency between different sized authorities in the use of civil powers. A small group of services noted that they had used these powers extensively, citing that they felt these were additional tools for trading standards to use. A smaller English unitary authority noted that, though not a perfect tool, they had used civil powers a lot, and they would be greatly improved if powers were streamlined.

Many services perceived few merits of civil actions when compared to the potential outcomes from criminal enforcement. Often, they said they felt civil actions were more of a burden while not providing sufficiently positive results.

Two larger services also cited disincentives to taking civil actions. One stated that in their experience it opened their council to additional exposure, as in civil cases they risk liability for court costs, unlike the position in criminal cases. However, a common theme when civil powers were discussed was the role of the council's legal services.

# CRIMINAL AND CIVIL ENFORCEMENT POWERS

## Local Authority Legal Services

Many services felt constrained by the lack of knowledge and expertise with regards to civil enforcement within their respective local authority legal services. Most cited that consumer protection work was niche to the council's legal services team. This was particularly raised by smaller and medium sized services and was a prevalent issue when discussing civil powers. Some heads of service recognised the potential benefits from civil sanctions.

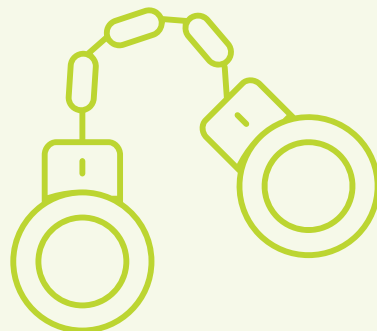
Some services mentioned the idea of increased risk in trading standards prosecutions which made their legal teams more cautious. One small English authority noted that there was no budget for legal costs, making any action a risk, and whilst they did not feel that this would stop an enforcement action, it would add to the internal pressure.

A smaller southern and a medium-sized Scottish service noted that they had, for a time, an expert in their legal department who facilitated the use of civil powers with much more confidence.

However, such links can be transient as when this individual left there was a need to rebuild the relationship with other staff. There were a few suggestions on how to resolve this issue. One head of service suggested some form of Scottish 'pooled team' for Enterprise Act cases to help streamline the process.

Undoubtedly those services that had successfully used civil enforcement powers had the support of an individual legal services colleague who was sufficiently interested to provide their support. In fact one local authority had the benefit of the support and expertise of the former Office of Fair Trading's lead barrister within their Legal Services Team.

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Most cited that consumer protection work was niche to the council's legal services team.”



# Workforce Survey Analysis



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