

The Highland Council

Transport, Environmental and Community Services Committee
16 May 2013

Agenda Item	12
Report No	TEC 45-13

Audit Scotland – “Protecting Consumers”

Report by Director of Transport, Environmental and Community Services

Summary

This report invites Members to note the publication of the report prepared by Audit Scotland for the Accounts Committee titled “Protecting Consumers”, and to consider the report’s recommendations; the questions for Councils contained in the report and in the light of developments since the report’s preparation, what steps Highland Council now needs to take to address the report’s findings.

1. Background

- 1.1 The stated aim of the audit undertaken by Audit Scotland was to assess how well Councils protect consumers from unfair treatment or being put at risk by the businesses they buy goods or services from, and to identify any scope for improvement.
- 1.2 The audit undertaken was of the situation across Scotland and not just of Highland Council services. It covered the majority of Trading Standards core functions, with the Food Safety function of Environmental Health also within its scope.
- 1.3 [The “Protecting Consumers” report](#)¹ comes to some quite different conclusions on the issues that need to be addressed by Councils with respect to their Trading Standards and Environmental Health services. How these separate issues are dealt with in the report has caused considerable confusion for anyone reading it and for that reason this report separates out those issues that apply to each of the services into clearly identified sections.
- 1.4 No improvement or action plan by individual Councils has at this stage been requested by Audit Scotland or the Accounts Commission and for the majority of the report’s conclusions, individual Councils would not be in a position to deliver the required actions in isolation.
- 1.5 At this stage therefore Members are asked to note the report’s conclusions and recommendations, which will in due course be referred back to the TECS Committee when it becomes clear what improvements Councils can agree to implement, through the work being done by COSLA.

2. Environmental Health

- 2.1 For Environmental Health the audit focussed on food safety activities. The audit evaluated how effectively Councils identify the risks to consumers and prioritise their activities to address them, and assessing how efficiently and effectively Councils protect consumers. The audit did not examine other environmental health activities such as animal health and welfare, environmental protection and public

¹ http://www.audit-scotland.gov.uk/docs/local/2013/nr_130131_protecting_consumers.pdf

health, as these were not connected to direct transactions between consumers and businesses.

2.2 In summary, the report found that for food safety services:

- a) **Organisation** - There are satisfactory national standards and priorities and a reporting framework for food safety through the work of the Food Standards Agency (FSA) in Scotland, which also audits councils' performance. This system has resulted in a relatively consistent approach to enforcement and performance reporting across Scottish councils.
- b) **Resources** – there are concerns about loss of experience and expertise, and too few training posts in the area of food safety. It notes that staff reductions in the last four years have been less severe than those faced by Trading Standards but makes a recommendation that Council's work with the FSA in Scotland and, in future, the new Scottish food safety organisation to develop a workforce strategy, which identifies the staffing levels and skills required to sustain an effective food safety service over the next 5–10 years, and take action to address any shortfalls identified.
- c) **Performance** – the report notes Food Safety data shows steadily improving performance for Scotland as a whole, although there is some variation among individual councils. In addition, it notes that Councils are rightly targeting their limited resources at the highest risk areas and reducing their work on the lowest risks.

2.3 Highland Council Position

2.3.1 Organisation and performance

In Highland, Environmental Health agrees with the finding of the report. On Organisation, Environmental Health works with the FSA when delivering the food safety function and also participates in liaison groups to ensure a consistent approach. Our performance is regularly reported to members through our Food Safety Team Plans and we have been prioritising work on high risk premises.

2.3.2 Resources

For resourcing Environmental Health shares the concern expressed by the report on workforce planning and supports the recommendation to work further with the FSA on a workforce strategy. As stated in the 2013/14 Environmental Health Operational Plan, we have an ageing profile of officers. In a team with 60 posts, 22 are over 50 years old and there are only 2 officers under 30. Workforce planning is being reviewed in 2013/14 and this would include participation in any developments that may arise out of the Audit report.

2.3.3 Student EHOs

As part of the workforce planning review, a new version of the student EHO policy has been prepared and is detailed in **Appendix 2**. The proposed version has been updated and some significant changes made:

- a) In the previous policy the Council would employ student EHOs for 6 months following qualification as an EHO. This was to allow students to gain experience but also to hopefully allow them to be available for any vacancies. In the new

policy the 6 month limit has been removed to ensure the student is retained by the Council and available for any appropriate vacancies. This does restrict budget availability for students. To address this, the new policy details the various routes available to train EHOs. This additional flexibility will allow best use to be made of the budget available for students;

- b) Specifies that the Area Environmental Health Managers will have key responsibility for managing training as the designated training officer for a student;
- c) As noted, the new policy clarifies the various options for taking on student EHOs – this includes looking at offering opportunities to existing technical officers and scientific officers with suitable academic qualifications. Further development work is need with Human Resources on this option but it is being used successfully in other Councils.

3. Trading Standards

3.1 For Trading Standards, the audit and report follows on from a previous audit by Audit Scotland in 2002, which led to the publication of the [“Made to Measure”](#)² report. This report sadly identified many of the shortcomings that are now again highlighted in the new report.

3.2 COSLA in addressing the implementation of the UK Government’s [Empowering & Protecting Consumers](#)³ proposals that were first brought to the attention of members in a [report to the TECS Committee in September 2011](#)⁴, resulted in the creation of the COSLA Consumer Protection Task Group. This Task Group’s remit was subsequently widened to include the issues raised by the current Audit Scotland report.

3.3 Further work by the Improvement Service, only very recently placed before the COSLA Consumer Protection Task Group, adds further weight to the need for COSLA and Councils to address the situation.

3.4 The current Audit Scotland report, which makes clear the importance of having an effective Trading Standards service in place, delivers in its conclusions a number of key and quite hard hitting messages. In the paragraphs that follow these messages are expanded upon and an assessment of the situation in Highland Council is provided.

3.5 The long term viability of Council’s Trading Standards Services are under threat.

3.5.1 The Audit Scotland report makes the point that Trading Standards are small services compared to other Council services, spending about £21 million a year across Scotland, being less than 0.2 per cent of Councils’ budgets.

3.5.2 It goes on to say that they have a low profile among Councillors and senior managers and have experienced greater than average staff reductions in the last four years (15% compared to the average of 10% for all council staff). Also that there are concerns about loss of experience and expertise, and too few training

² http://www.audit-scotland.gov.uk/docs/local/2002/nr_021003_trading_standards.pdf

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/31397/12-510-empowering-protecting-consumers-government-response.pdf

⁴ <http://www.highland.gov.uk/NR/rdonlyres/FE23CB0E-6207-4C45-B57C-8EF7E179CFE6/0/Item15TEC7211.pdf>

posts.

- 3.5.3 The report makes it clear that these pressures on services come at a time when risks have increased owing to greater use of the Internet for buying and selling and pressures on individuals' and businesses' budgets in the current economic climate.
- 3.5.4 In comparison to the situation elsewhere in Scotland, Highland Council Trading Standards has suffered a 16% reduction in staff over the last 4 years, it could also be argued that its profile both with Members, Senior Managers, the media and public has fared better than many.
- 3.5.5 The service is however under increasing pressure, but a positive move away from routine cyclical inspection towards Intelligence led/ targeted enforcement, focussing on higher risk activities has managed to maintain good staff morale and a viable and effective service is considered to remain in place. Some lower priority work has as a result been necessary to set aside.
- 3.5.6 An ageing workforce and too few opportunities to recruit young people into trainee posts will inevitably, if unaddressed, result in there being insufficient competent staff to meet future demands.

3.6 Trading Standards services lack national standards and priorities and have no national system of performance reporting.

- 3.6.1 The report concludes that National coordination of trading standards services is significantly weaker than that for Food Safety and has no national standards, priorities or a national system of performance reporting.
- 3.6.2 Individual council trading standards services have adopted their own approaches to managing performance. This lack of consistency makes it difficult for councils to benchmark their performance and demonstrate that they are delivering efficient and effective services to their communities and making the best use of their resources.
- 3.6.3 However, changes to the organisation of trading standards services at the UK level present the Convention of Scottish Local Authorities (COSLA) and councils with an opportunity to establish strong national coordination in Scotland and improve these services by organising them more effectively.
- 3.6.4 It is certainly true that other than for some minor aspects of Trading Standards work no prescriptive national standards exist, but the service in Highland is fully signed up to the principles of the [Regulators Compliance Code](#)⁵ and has always played an active role in working with the national liaison group structures that have existed in the past (e.g. Local Authority Co-ordinators of Regulatory Services (LACoRS) and other existing mechanisms (e.g. the OFT and the Trading Standards Institute, to try and ensure that the regulatory work we do is consistent, open and fair.
- 3.6.5 Mechanisms albeit far from perfect have also existed in recent years to identify national (UK) priorities for Trading Standards and wherever possible these have been referenced, along with any other authoritative sources that can be identified in gaining approval from Highland Council for the Trading Standards Operational Plans.
The inclusion of these issues within the business plan of the newly renamed "Trading Standards Scotland" team within COSLA is however very much welcomed.

- 3.6.6 The issue of Performance measurement and reporting has long been an issue for all regulatory services, with tangible outcomes being the most elusive. The current Accounts Commission Direction on statutory performance indicators, together with the benchmarking project undertaken by the Society of Local Authority Chief Executive (SOLACE) offers little for services such as Trading Standards.
- 3.6.7 A pilot project to identify meaningful benchmarks for protective services including Trading Standards, facilitated by the Association for Public Service Excellence (APSE) is now underway.
- 3.7 Councils although rightly targeting their resources at the highest risk areas and reducing work on the lowest risks.**
- 3.7.1 The report concludes that Trading standards services do not assess risks on a consistent basis, and a reduction in consumer advice and support means that, in some areas, councils have weakened their ability to gather local intelligence about risks to consumers.
- 3.7.2 This also means that some consumers may not get the help they need when things go wrong, and already over a third of consumers do not know where to go to seek help for some types of problem.
- 3.7.3 In Highland, Trading Standards has for a number of years, through a Council approved Operational Plan, targeted its resources at the highest risk areas.
- 3.7.4 The criticism that we do not have a consistent basis for identifying risk is only partly true and possibly even of little relevance. This anomaly in the report reflects a clear dichotomy that exists between those Trading Standards services, like Highland who have embraced the intelligence led/ targeted approach to regulation that we are directed to by the UK government through the [Regulators Compliance Code](#)⁵ and those, including a number in Scotland, who have not and who still to a greater or lesser extent base their proactive operational activities on the routine cyclical inspection of business premises that is based on a standardised risk assessment model.
- 3.7.5 Highland Council Trading Standards has in recent years made significant improvements in intelligence gathering and is one of the major contributors to the Scottish and UK intelligence database managed by Trading Standards Scotland. The driver for much of our proactive work is based on this and other harvested intelligence and information, including the sharing of intelligence with local partner organisations and council services. Whilst improvements in this can still undoubtedly be made there is confidence that our resources are being targeted at those areas of work that present the highest risk.
- 3.7.6 Highland, unlike an increasing number of Scottish Councils has also retained their consumer advice capability, which in addition to providing needed help to local people is seen as an essential way of retaining contact with the community and as an invaluable source of intelligence. Our provision of the service maximises the advantages of directing consumers to the telephone and online service provided by [Citizens Advice Consumer Service](#)⁶ for 1st tier advice whilst retaining the delivery of an effective 2nd tier advice and conciliation service for more complex cases directly

⁵ <http://www.bis.gov.uk/assets/brdo/docs/publications-2008/08-1564-applying-the-rcc.pdf>

⁶ http://www.citizensadvice.org.uk/consumer_service

by Trading Standards,

- 3.7.7 Work currently being done in Highland by Trading Standards to develop even better and more effective partnerships with local CABx and Citizens Advice Scotland, will if anything enhance Highland consumer's understanding of where to go for advice and improve their chances of getting the help they need

4 Key Recommendations for Councils and COSLA response to date

- 4.1 The key recommendations for Councils and for COSLA are reproduced in **Appendix 1**.
- 4.2 The current situation in Highland Council is not considered to reflect the worst of what Audit Scotland found, but if the provision of these protective services is not to further eroded then it is clear that the report's findings needs to be taken into account in any future decisions by the Council.
- 4.3 The expansion of the remit of the COSLA Task Group to address the conclusions and recommendations of the Audit Scotland report and the subsequent approval of Trading Standards Scotland's business plan could address many of the issues raised, but it will only be when a clear improvement plan emerges that Councils will know what is expected of them to address the problems identified.

5. Implications

- 5.1 There are no resource implications arising from this report.
- 5.2 There are no legal implications arising as a direct result of this report.
- 5.3 There are no equality implications arising as a direct result of this report.
- 5.4 There are no climate change implications arising as a direct result of this report.
- 5.5 There are no risk implications arising as a direct result of this report.

6. Recommendations

6.1 Members are invited to:-

- i. Note the conclusions and recommendations made in the Audit Scotland – "Protecting Consumers" Report;
- ii. Note how these conclusions and recommendations are considered to apply to the Highland Council's Environmental Health and Trading Standards services and what the COSLA Task Group and Trading Standards Scotland is currently doing to address the situation;
- iii. Agree to delay making any decision on taking any action to address the issues raised until it becomes clear from the work of COSLA and the Scottish Government, what individual councils are being asked to do.
- iv. Approve the Student Environmental Health Officer policy.

Designation: Director of Transport, Environmental and Community Services

Date: 3 May 3013

Report Authors: Gordon S Robb, Trading Standards Manager
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Background Papers:

Key Recommendations

Councils should:

1. Work with the FSA in Scotland and, in future, the new Scottish food safety organisation to develop a workforce strategy, which identifies the staffing levels and skills required to sustain an effective food safety service over the next 5–10 years, and take action to address any shortfalls identified
2. Ensure they have access to, and make use of, intelligence to help determine their local priorities, and contribute intelligence to information systems that support the work of other Scottish and UK councils, and the national teams
3. Develop a clear direction for the future of their consumer protection services and satisfy themselves that they are allocating resources where they are most effective and in a way that appropriately reflects the risks, national and local priorities and the needs of local communities
4. Ensure their work on lower risk areas is sufficient to prevent them becoming more serious risks
5. Ensure they monitor and manage the performance of all their consumer protection services using appropriate measures of performance that enable benchmarking, and report performance regularly to councillors, senior management and the public.

COSLA and Councils should:

- 1. Work together to ensure strong national coordination for trading standards in Scotland that includes:**
 - a. maintaining effective links with UK-wide arrangements
 - b. analysing intelligence to identify national risks
 - c. agreeing national priorities
 - d. developing national service standards and keeping these under review
 - e. establishing a system for scrutinising and publicly reporting councils' performance against these standards
- 2. In developing arrangements for national coordination, explore a full range of options for redesigning trading standards services, including:**
 - a. Greater use of more formal joint working
 - b. Creating fully shared services
 - c. Establishing a national service
- 3. Liaise with the Scottish Government on the future of trading standards services where this involves organisational or service issues for which it has responsibility**
- 4. Develop a workforce strategy, which identifies the staffing levels and skills required to sustain an effective trading standards service over the next 5–10 years, and take action to address any shortfalls identified**
- 5. Ensure that councillors are fully informed and supported to make decisions about the future of services to protect consumers**
- 6. Work with the Citizens Advice Service and others to increase awareness and understanding among consumers of where they can get advice and help when buying goods or services, particularly when things go wrong.**



TEC Services - Environmental Health

Student Environmental Health
Officer Policy

Ref: EH/SEHO1
Version: 0.1
Issued: 02-05-13
Status: DRAFT
Review Date: XXX

1. Introduction

1.1 The Royal Environmental Health Institute of Scotland (REHIS) is the professional body for environmental health officers (EHO's) in Scotland. The institute sets the standards that candidates must achieve to become an EHO.

1.2 Candidates must have a BSc (Hons) in Environmental Health or an MSc in Environmental Health and then complete a period of practical training with local authorities. On completion of the training the student EHO must then pass a professional Interview to gain the REHIS Diploma in Environmental Health which entitles the person to practice as an EHO.

1.3 REHIS has published a scheme of Practical Training which local authorities must adhere to. This policy should be read in conjunction with the current REHIS scheme.

1.4 Following job evaluation, a career grade has been agreed for the post:

Status	Title	Grade
Still studying for MSc/BSc	Student EHO	HC3
Gained academic qualification, undergoing practical training	Graduate Trainee EHO	HC6
Successfully passed Professional examinations	EHO	HC10

1.5 The Service will also remain open to approaches from schools for pupil work placements. During placements effort will be made to show pupils the full range work carried out by environmental health. The career route and opportunities will be outlined.

2. Recruitment & Training Options

2.1 Over the last few years a number of alternative paths have developed to gain both the academic qualification and the practical training:

a) Through the BSc in Environmental Health at the University of the West of Scotland

In this option a suitable candidate would be offered employment through the summer vacation periods while they are completing the BSc at the University of the West of Scotland and further end-on training. For the Council this would be a **4-5 year commitment** until the student is ready to sit their professional examinations.

http://www.uws.ac.uk/special_3_years/environmental_health/

b) Through MSc in Environmental Health at the University of Strathclyde

In this option a candidate with a suitable degree would be offered employment during vacation periods and end-on training when they have completed MSc at

Strathclyde. For the Council this would generally be a **2 year commitment** (generally 1 year full-time + 48 weeks practical) until the student is ready to sit their professional examinations. The MSc is also offered as over 2 years part-time or up to 5 years via Open Access.

<http://www.strath.ac.uk/civeng/pg/envhealth/>

- c) **Take on a current holder of BSc (Hons) or MSc in Environmental Health**
This option is available as unfortunately there are a number of graduates who have not obtained training posts. For the Council this would be a **1 year commitment** until the student is ready to sit their professional examinations.

It should be noted that the REHIS scheme now allows graduates to be flexible in their approach to training. They could complete sections of training with various local authorities, industry or other agencies to allow them to gain the required practical training. Given restrictions with budgets this approach is being considered by some local authorities. While not our preferred method of training, the Highland Council would be open to assisting Student EHOs who are receiving training in neighbouring authorities.

The following 2 options are being used in other authorities but have not been used in Highland. Both are being considered and it is hoped that they may be piloted in the next few years following development work with Human Resources on the practicalities and conditions of employment:

- d) **Train existing Technical Officer or Scientific Officer**
Many authorities are now offering existing Technical Officer or Scientific Officers with appropriate academic qualifications the opportunity to train as an EHO. This would involve the officer gaining the University of Derby MSc in Environmental Health which can be completed part-time over a period up to five years. This option could be done ahead of an EHO vacancy arising or following a vacancy arising.
<http://www.derby.ac.uk/courses/postgraduate/environmental-health-msc/>
- e) **Career post for new Technical Officer or Scientific Officer being taken through to EHO (long term EHO trainee post)**
Similar to option (d), a career post could be advertised for suitable graduates that they will initially be employed as a technical officer, but in parallel they study for the Derby MSc, and on qualifying the post is an EHO post.

3. Training

3.1 Organisation and responsibilities

- 3.1.1 The REHIS training scheme requires the training provider to appoint a person who will be responsible for the effective training of student EHO's employed by the organisation – the 'Training Officer'. The appropriate Area Environmental Health Manager (AEHM) will take responsibility for the role of Training Officer.
- 3.1.2 The Highland Council covers a large geographical area. As a consequence, Environmental Health delivers its functions through eight offices: headquarters and seven area offices. A student will be based in one area office and will receive much of their training from officers within that office. Training will also be provided through the other area offices and headquarters.

3.2 Duration

3.2.1 REHIS specify that the training period must be a minimum of 48 weeks, and that training providers should not hesitate to increase this period having regard to the aptitude and interest of the student in each individual element of training.

3.2.2 The Council will ensure that students are given the minimum of 48 weeks and any reasonable time above and beyond this to satisfactorily complete the training sections

3.2.3 The period of training offered to a student will vary according to:

- when they are recruited in regard to academic study;
- how their training progresses;
- the timetable of Professional Interviews set by REHIS.

3.2.4 Taking into account these variables, the Council will specify to each student:

- a target date for sitting the Professional Interview. This will follow the normal period of training given to each student;
- a final date for sitting the Professional Interview. This will be set to allow for any individual circumstances that necessitate extending the period of normal training. The Council will expect all students to be ready for sitting by this final date.

3.3 Structure

3.3.1 The structure of training within Environmental Health will be explained to the student EHO during their induction.

3.3.2 If training in a particular subject cannot be provided with the Highland Council, the Council will arrange for training to be organised with another local authority or other external body.

3.4 Records

3.4.1 The training scheme requires students to complete a training record and a portfolio detailing the practical training carried out, the element of the training covered, the competencies acquired, and supporting material.

3.4.2 AEHMs shall ensure student EHO's compile their portfolio and complete the training record.

3.5 Assessments

3.5.1 On-going assessment will be carried out by all officers involved by:

- Regular interviews
- Checking letters and correspondence created by the student
- Reviewing the students training records and portfolio
- Observation by a qualified officer of actual practical visits and inspections
- Regular reports from any external bodies/agencies providing training

3.5.2 The AEHM will meet with the student at least once a month to review the students training record and assess progress.

3.5.3 Reports on the final appraisal will be reviewed by the Environmental Health Manger and the AEHM to decide if the student is ready for presentation to the REHIS Professional Interview.

4. Conclusion of Training

4.1 Professional Interview

4.1.1 The REHIS scheme of training normally permits student EHOs three attempts to obtain the Diploma.

4.1.2 In normal circumstances the Council will support students through two attempts. If the student fails to meet the required standard after the second Professional Interview they will be given two months' notice of termination of the training placement.

4.1.3 The student's placement with the Council is subject to the condition that the Student makes satisfactory progress in his/her academic studies for the BSc or MSc in Environmental Health. The Council reserves the right to terminate any placement where the student fails to make satisfactory progress within the normal prescribed period of study for that qualification.

4.2 Employment

4.2.1 When the student gains the Diploma the Council will continue employment of the officer as an EHO. When an appropriate EHO vacancy is available a further student EHO will be employed to commence training.
