

### **Oxfordshire Trading Standards Service Policy for dealing with enforcement complaints / enquiries from consumers and businesses**

This policy sets out how the Trading Standards Service will respond to enforcement complaints and enquiries from consumers, businesses and other customers or agencies. The Service will respond to these complaints and enquiries following this policy and in accordance with its service standards<sup>1</sup> and quality system procedures.

The Service values all contact from customers and recognises that consumers and businesses act as our 'eyes and ears' which is vital in enabling the Service to respond effectively to infringements and malpractice and identify issues that are of concern to our customers.

The Service does not have sufficient resources to fully investigate every complaint. As such we adopt an intelligence-led approach to enforcement so that we can focus our work on those issues where we can maximise our impact for the benefit of the community. However, based on the decision making process outlined below, individual complaints may still be allocated for further investigation.

#### **Consumer Contacts**

All contacts will be responded to in accordance with the relevant service standard and civil advice and assistance given as appropriate and in accordance with the ***Provision of Consumer Advice Policy***.

Where the reported issue potentially gives rise to an offence under relevant criminal legislation or suggests a breach of legislation that should result in consideration of other enforcement action it will be-

- Passed to the enforcement relevant team.
- Graded based on our priorities, an assessment of risk and the likelihood of us being able to take effective enforcement action (as detailed below in Outcome Criteria).

Any further response to the issue will depend upon the grade of complaint.

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<sup>1</sup> Our Service Standards are set through our business planning process and published in our annual Service Plan

Where, based on the information given to us and any other available intelligence, there is no apparent offence or need for enforcement action, normally the matter will not be investigated further. Through a monthly analysis of all complaints and intelligence received, the Service will identify wider trends and emerging issues and determine whether to allocate resources to those issues. In this way, businesses breaching civil law obligations will be identified and considered for further action. This process is outlined in the section headed Intelligence-Led Approach below.

### **Partial Grading**

From the initial details of the complaint it may not be possible to accurately grade the response. In this case the officer considering the complaint will designate the complaint as requiring further information. Once this further information is obtained the complaint will be re-graded by the relevant team leader based on the fuller information.

### **Re grading**

If further information comes to light about complaints graded 2, 3 or 4 they will be considered for re-grading. A note to this effect will be included in the complaints text if they are re-graded in this way.

### **Outcome Criteria**

All prioritisation will be subject to an appraisal of the likelihood of achieving a successful outcome within existing resources.

Successful outcomes include:

- Prevention / Reduction in a safety threat
- Prevention / Reduction in threat to consumer(s) economic welfare
- Prevention / Reduction in consumer exploitation
- Identification of an offender.
- Enforcement action against the trader in accordance with the published Prosecution Policy and Compliance Code.

## Grading

### Grade 1 (Same day response<sup>2</sup>)

We will try to contact or visit the complainant as soon as possible. Wherever achievable this will be on the same day. This will apply in the following cases –

- Where a consumer is vulnerable and needs immediate support e.g. doorstep crime (See **WI 28 Responding to Doorstep Selling Incidents**) we will ensure suitable support is arranged. (This may be via other agencies such as Thames Valley Police).
- Where a crime is in progress and immediate action is appropriate e.g. doorstep crime where offenders are still present, sale of counterfeit goods, one day sales etc.
- Where it is necessary to immediately secure evidence (e.g. where failure to act might result in evidence being lost, such as car servicing fraud, short weight goods sales).
- Where other circumstances dictate (e.g. a product safety issue presenting an immediate and serious risk to consumers (defined as an “Emergency Complaint” in **WI 16 Investigations into Unsafe Products**), an illegally landed animal / disease outbreak, major animal welfare issue).
- Obstruction, assault or impersonation of an authorised officer.

The complaint/enquiry will be investigated and our normal service standards met in keeping the customer informed.

### Grade 2 (Scheduled Response)

This grading will apply where the issue does not fall into grade1 but either

- falls within one of the current service priorities or,
- is of sufficient impact on the community or business to warrant further investigation.

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<sup>2</sup> During periods of exceptional demand a same day response may not be possible. Every effort will be made to respond on the same day where circumstances require an immediate response.

In deciding which issues present a higher impact we will take various factors into account including:

- Whether the issue affects the safety of consumers/users.
- The impact of the incident on the victim.
- The economic, environmental, health and social impact of the issue on the community.
- The availability of evidence, e.g. written statements, goods, etc.
- The value of the transaction and the volume of transactions potentially affected.
- The priorities of the County Council.
- The previous trading history of the business.
- The community affected (e.g. vulnerability on grounds of age, disability and social exclusion, etc) and whether the offence is motivated by discrimination.
- Whether the consumer could easily detect the problem before purchase.
- Whether the business causing the issue has a recognised complaint resolution policy which the complainant could access themselves.
- Likely media impact.
- The likelihood of us being able to repeat the circumstances of the complaint.
- The possibility of being able to identify the offender.

The complaint/enquiry will be investigated and our normal service standards met in keeping the customer informed of progress.

A scheduled response can be any appropriate response which ensures an effective outcome, e.g. full investigation, physical visit, advisory letter, phone call, etc.

### **Grade 3 (Referral to another agency)**

This grading will apply to issues where there is a clear infringement of legislation alleged in the complaint that otherwise would have been coded as Grade 2 (scheduled response) but from the information provided the most likely and effective outcome is a referral to another agency or trading standards service. This could be because the alleged breach is not within the trading standards sphere (e.g. an environmental health issue), any potential offence is outside Oxfordshire or the best outcome is a referral to the home or primary authority (e.g. food labelling issue).

It is anticipated that there will be a minimal level of investigation and the resources committed will be the minimum required to make a meaningful referral to another agency or trading standards service.

It is possible that on further investigation the infringement should be dealt with by Oxfordshire Trading Standards Service. In this case the grading can be changed to Grade 2.

#### **Grade 4 (Intelligence Only)**

This grading will apply to issues which have a low impact or where effective enforcement action is unlikely. The information provided will be used, together with that from other sources, to identify trends in local business activity which may require an intervention by the service as outlined below.

If necessary the complainant will be contacted to verify the complaint details. The complainant will be advised of the decision to use their complaint as intelligence only. We will provide an explanation of our complaint grading and our intelligence-led enforcement approach if it is requested.

#### **Business Complaints**

If a business is making a complaint against another business this will be graded in the same way as consumer complaints (see above).

#### **Intelligence-led approach**

Information and Intelligence is crucial to deciding what cases, companies, trading practices or sectors require further investigation. The Tactical Tasking and Co-ordinating meeting, (made up of the Group Managers, Deputy Head of Trading Standards and Community Safety, Intelligence Officer, Support Services Manager and appropriate team specialists) will determine which areas are targeted for investigation based on intelligence received.

## Equality Statement

Consideration has been given to whether this policy unfairly discriminates against any persons or communities or whether its implementation will disproportionately impact on any persons or communities. The policy proactively promotes equality by specifically recognising that offences that affect vulnerable persons or that are motivated by discrimination (against any community or group) will be given a higher priority for investigation than would otherwise be the case.

In adopting this policy there are no grounds for believing that the policy will disproportionately affect any communities.

A full impact assessment is not required.