

Delegated Decisions by Cabinet Member for Safer & Stronger Communities

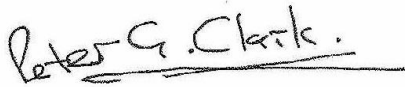
***Monday, 17 October 2011 at 12.00 pm
County Hall, New Road, Oxford***

Items for Decision

The items for decision under individual Cabinet Members' delegated powers are listed overleaf, with indicative timings, and the related reports are attached. Decisions taken will become effective at the end of the working day on Tuesday 25 October 2011 unless called in by that date for review by the appropriate Scrutiny Committee.

Copies of the reports are circulated (by e-mail) to all members of the County Council.

These proceedings are open to the public



Peter G. Clark
County Solicitor

October 2011

Contact Officer: **Julie Dean**
Tel: (01865) 815322; E-mail: julie.dean@oxfordshire.gov.uk

Note: *Date of next meeting: 7 November 2011*

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

Items for Decision

1. **Declarations of Interest**

2. **Questions from County Councillors**

Any county councillor may, by giving notice to the Proper Officer by 9 am two working days before the meeting, ask a question on any matter in respect of the Cabinet Member's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions submitted prior to the agenda being despatched are shown below and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member, and shall not be the subject of further debate at this meeting. Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

3. **Petitions and Public Address**

4. **Integrated Risk Management Action Plan (IRMP) Fire & Rescue - Draft** (Pages 1 - 6)

Forward Plan Ref: 2011/113

Contact: David Etheridge, Chief Fire Officer Tel: (0)1865) 855206, Colin Thomas, Deputy Chief Fire Officer, Tel: (01865) 855206

Report by Chief Fire Officer (**CMDSSC4**).

This report proposes a number of projects to be included within the Fire Authority's Integrated Risk Management Action Plan (IRMP) for the fiscal year 2012-13. The proposals summarise areas where the Service's Senior Leadership Team believe service improvements may be achieved. The proposals (in some instances) also take into account views from staff within Oxfordshire Fire & Rescue Service following a period of initial consultation in August 2011. To meet the requirements of the IRMP process, each proposal is supported by evidence, validating both their inclusion and their contribution to improved community engagement and community/firefighter safety. Similarly, each proposal recognises the prevailing economic constraints.

The proposals for the 2012 - 2013 Action Plan are as follows:

Project 1: Business Continuity Review

Responsible Manager: Area Manager – Business & Improvement

Project 2: Recruitment & Advancement Review

Responsible Manager: Area Manager – Service Support

Project 3: Road Traffic Casualty Reduction
Responsible Manager: Area Manager - Safety

Project 4: Olympics 2012 Pre-Planning
Responsible Manager: Area Manager – Operations & Resilience

Project 5: Retained Duty System (RDS) Availability Review
Responsible Manager: Area Manager – Operations & Resilience

Project 6: Operational Assurance Framework
Responsible Manager: Area Manager – Projects

Project 7: Data Sharing to Improve the Safeguarding of Vulnerable Adults & Children
Responsible Manager: Area Manager – Safety

Project 8: Review of Incident Command, Baseline Worst Case Operational Scenario Planning Assumptions.
Responsible Manager: Area Manager – Operations and Resilience

Project 9: Improving Fire Control Resilience
Responsible Manager; Deputy Chief Fire Officer

These proposals, if approved by the Cabinet Member for Safer & Stronger Communities, will be adopted in the final version of the IRMP Action Plan 2012-13 subject to further consultation & scrutiny. Each project will be subject to close monitoring, reviewed every quarter and reported to the Cabinet Member responsible for Safer & Stronger Communities.

The Cabinet Member is RECOMMENDED to approve the proposed projects to be included for further consultation & scrutiny in the draft IRMP Action Plan 2012/13.

5. Prioritisation of Consumer Complaints to the Trading Standards Service (Pages 7 - 18)

Forward Plan Ref: 2011/146

Contact: Richard Webb, Acting Head of Trading Standards and Community Safety
Tel: (01865) 815791

Report by Director for Social & Community Services (**CMDSSC5**).

The report sets out a draft policy for Oxfordshire Trading Standards detailing how the Service will decide the most appropriate response to enforcement complaints and enquiries from consumers, businesses and other customers or agencies. A decision is required on whether the Trading Standards Service should formally adopt this policy.

The Service has adopted an 'intelligence-led' approach to enforcement, focussing resources on those issues of high detriment to either an individual, a business or a community. It does not have the capacity or resources to investigate every complaint it receives.

Complaints are graded into 4 categories:

Grade 1- Same day response (Approximately 6% of all complaints).

This grading is reserved for the most urgent enforcement matters including:

- Where immediate intervention is required to prevent further loss or harm, e.g. a 'one day sale' is taking place.
- Product safety risks could result in injury or harm to consumers.
- Vulnerable consumers are at risk of exploitation.

Grade 2- Scheduled response (Approximately 35% of all complaints).

Complaints fall into this category when they are not as serious or urgent as a grade 1 complaint but the subject matter of the complaint falls into a service or county priority area or is of sufficient potential impact to warrant further investigation.

Grade 3- Referral to another agency.

The most effective course of action to resolve the complaint is a referral to another agency for action, e.g. the business is outside of Oxfordshire, or the issue is best dealt with by the Trading Standards Service local to the business's Head Office, for example, a food labelling query.

Grade 4- Intelligence only.

The complaint issue is logged, and used as background information to track any trends or more general issues with either a specific business, product or trade sector.

Complaints originating from consumers or businesses are graded in the same way.

By adopting the Policy, we can ensure all complaints are graded in a consistent manner, and those presenting the most significant potential risk are investigation as a priority and the most vulnerable consumers are protected.

The Cabinet Member for Safer & Stronger Communities is RECOMMENDED to approve the Complaints Prioritisation Policy as set out in Annex 1 for use by the Trading Standards Service.

Division(s): N/A

CABINET MEMBER FOR SAFER & STRONGER COMMUNITIES DELEGATED DECISIONS

17 OCTOBER 2011

INTEGRATED RISK MANAGEMENT PLAN (IRMP) OXFORDSHIRE FIRE AND RESCUE AUTHORITY - DRAFT ACTION PLAN 2012-13

Report by the Assistant Chief Fire Officer

Introduction

1. This report proposes a number of projects to be included within the Fire Authority's Integrated Risk Management Action Plan (IRMP) for the fiscal year 2012-13. The proposals summarise areas where the Service's Senior Leadership Team believe service improvements may be achieved. The proposals (in some instances) also take into account views from staff within Oxfordshire Fire & Rescue Service following a period of initial consultation in August 2011. To meet the requirements of the IRMP process, each proposal is supported by evidence, validating both their inclusion and their contribution to improved community engagement and community/firefighter safety. Similarly, each proposal recognises the prevailing economic constraints.
2. These proposals, if approved by the Cabinet Member for Safer & Stronger Communities, will be adopted in the final version of the IRMP Action Plan 2012-13 subject to further consultation & scrutiny. Each project will be subject to close monitoring, reviewed every quarter and reported to the Cabinet Member responsible for Safer & Stronger Communities.
3. The Fire and Rescue Services Act 2004 received Royal Assent on 22 July 2004. Part 3, Chapter 21 of this legislation requires the Secretary of State to prepare a Fire and Rescue National Framework to which Fire Authorities must have regard when discharging their functions.
4. The Secretary of State initially published the latest Fire and Rescue National Framework in May 2008. The purpose of the Framework was to provide strategic direction from central government whilst ensuring that authorities continue to make local decisions. The Framework set out the Government's objectives for the Fire and Rescue Service and what fire and rescue authorities should do to achieve these objectives. More recently, Ministers have stated that the 2008/11 National Framework remains in force, but the Minister responsible for Fire and Rescue matters no longer expects to enforce the following aspects of it - Regional Management Boards, Equality and Diversity, Workforce Development and Asset management. Whilst there is expected to be a new version of the Framework document released this year the Minister has made it clear that the use of Integrated Risk Management

Planning (IRMP) will continue to determine the need for and allocation of local fire prevention, protection and response resource to allow local decisions to be made by practitioners and elected members on the basis of locally assessed risks and circumstances.

5. The 2008-11 Fire and Rescue National Framework requires each Fire and Rescue Authority to produce a publicly available IRMP covering at least a three-year time span which:
 - Is regularly reviewed and revised and reflects up-to-date risk information and evaluation of service delivery outcomes
 - Has regard to the risk analyses completed by Local and Regional Resilience Forums including those reported in external Community Risk Registers (CRRs) and internal risk registers, to ensure that civil and terrorist contingencies are captured in their IRMP
 - Reflects effective consultation during its development and at all review stages with representatives of all sections of the community and stakeholders
 - Demonstrates how prevention, protection and response activities will be best used to mitigate the impact of risk on communities in a cost effective way
 - Provides details of how Fire and Rescue Authorities deliver their objectives and meet the needs of communities through working with partners
 - Has undergone an effective equality impact assessment process.
6. Fire and Rescue Authorities should review the effectiveness of 'cross-border' integration arrangements with neighbouring authorities and set these out appropriately in their IRMPs.
7. Oxfordshire Fire and Rescue Authority published its strategic IRMP in April 2008 providing the strategic direction for the next five years. This document is subjected to annual review and updated and amended as required. The current strategic IRMP requires no amendment for the fiscal year 2012-13 and will be refreshed as a new ten year strategic document for the fiscal year 2013-14.
8. The projects that have been proposed for the action plan 2012-13 will be subject to consultation for 12 weeks starting on the 14 November 2011. During this period, Oxfordshire Fire Authority will consult with neighbouring Fire and Rescue Services, partner organisations such as the Highways Agency and the Environment Agency, the Fire Brigades Union, Oxfordshire Fire and Rescue staff (uniformed and non-uniformed) and members of the public.
9. The Senior Management from Oxfordshire Fire and Rescue Service will respond to the comments made during the consultation period and the responses will be made available to Cabinet in the final report in 2012 and published on the internet for public access.

10. The following items summarise the projects for inclusion in the IRMP Action Plan for the fiscal year 2012-13:

- **Project 1: Business Continuity Review**
Responsible Manager: Area Manager – Business & Improvement

Objective: To supplement existing arrangements by fundamentally reviewing the business continuity arrangements for Oxfordshire Fire & Rescue Service. This will include capital assets, ICT systems, human resource and neighbouring Fire Authority arrangements as defined with sections 13 and 16 of the Fire and Rescue Services Act 2004.

Outcome: OFRS will have suitable & sufficient business continuity arrangements in place to deal with planned, unplanned or extreme events.

- **Project 2: Recruitment & Advancement Review**
Responsible Manager: Area Manager – Service Support

Objective: To fundamentally review firefighter selection, recruitment & advancement within OFRS. Since Fire & Rescue Authorities are no longer constrained by National Firefighter Selection Tests (NFFST) and Advancement & Development Centre's (ADCs)¹ there is a significant opportunity to address areas of concern within the recruitment & advancement process.

Outcome: A more streamlined & robust recruitment & advancement process that best meets the local needs and circumstances of Oxfordshire Fire & Rescue Service & Oxfordshire County Council.

- **Project 3: Road Traffic Casualty Reduction**
Responsible Manager: Area Manager - Safety

Objective: To utilise the recently re-structured Road Safety Team in determining & delivering a comprehensive Road Safety strategy which compliments the '365 alive vision' and the 'Travelling in confidence' strand within the business strategy.

Outcome: Improved safety education and operational response to RTCs, contributing to the reduction of injuries and fatalities from road related hazards & a societal cost saving to the county of Oxfordshire.

- **Project 4: Olympics 2012 Pre-Planning**
Responsible Manager: Area Manager – Operations & Resilience

Objective: To fully engage with the Thames Valley Local Resilience Forum, South East Fire & Rescue Authorities and other key partners with regards to Olympic pre-planning within the Thames Valley area.

Outcome: OFRS will be confident & more effective in its resilience & response arrangements to potential 'major events' at venues in relation to the Olympics 2012.

¹ This was announced at the Fire Ministerial workshop on 29th July 2010

- **Project 5: Retained Duty System (RDS) Availability Review**
Responsible Manager: Area Manager – Operations & Resilience

Objective: To fundamentally review the RDS particularly in relation to selection, recruitment (links with project 2), retention, crewing arrangements & support from Wholetime resources. This will include areas such as competence levels & potential revised crewing arrangements for both RDS & Wholetime resources.

Outcome: A Retained Duty System that best meets the local needs and circumstances of Oxfordshire Fire & Rescue Service & Oxfordshire County Council and the local communities and ensures suitable 'arrangements' are in place as required by Section 2 of the Health and Safety at Work Act 1974, .

- **Project 6: Operational Assurance Framework**
Responsible Manager: Area Manager – Projects

Objective: To develop a strategic operational assurance framework within OFRS to evidence that suitable 'arrangements' are in place as required by Section 2 of the Health and Safety at Work Act 1974, and to maintain and improve fire-fighter safety.

Outcome: An improvement in the way that OFRS identifies, understands, manages and mitigates risk, leading to improved community safety, operational resilience, service delivery & a safer workforce.

- **Project 7: Data Sharing to Improve the Safeguarding of Vulnerable Adults & Children**
Responsible Manager: Area Manager – Safety

Objective: To review & improve data sharing protocols within OFRS, Social & Community Services and other relevant stakeholders in relation to improving safeguarding arrangements for vulnerable adults & children

Outcome: A reduction, particularly in relation to the number of fire fatalities & serious injuries within this vulnerable group. Improved protection of vulnerable adults & children for non – fire related events.

- **Project 8: Review of Incident Command, Baseline Worst Case Operational Scenario Planning Assumptions.**
Responsible Manager: Area Manager – Operations and Resilience

Objective: To examine the organisational implications of the nationally prescribed Incident Command System in relation to the agreed baseline worst case scenario planning assumptions.

Outcome: As required by Section 2 of the Health and Safety at Work Act 1974, organisational evidence and assurance that effective 'arrangements' are identified and implemented to ensure adequate resources for pre-determined attendance levels to operational incidents including officer attendance and command roles.

- **Project 9: Improving Fire Control Resilience**
Responsible Manager; Deputy Chief Fire Officer

Objective: To deliver increased resilience in our call receipt, mobilising and incident management arrangements in line with OCC Cabinet requirements based on either a Thames Valley approach or alternative contingency arrangement.

Outcome: Implementation of arrangements to more effectively handle large volumes of 999 emergency calls and to increase the abilities of partners, if necessary, to receive calls and mobilise fire engines on Oxfordshire's behalf. Overall public safety will be enhanced by increased resilience

Financial and Staff Implications

11. Each project will fully recognise the prevailing economic constraints, delivering efficiencies or allowing existing/additional services to be delivered more effectively.

RECOMMENDATION

12. The Cabinet Member is RECOMMENDED to approve the proposed projects to be included for further consultation & scrutiny in the draft IRMP Action Plan 2012/13.

Nathan Travis
Assistant Chief Fire Officer

Background papers:

National Framework document for the Fire and Rescue Service
Oxfordshire Fire Authority Integrated Risk Management Plan 2008-13
The Fire and Rescue Service National Framework 2008-11.

Contact Officer: Nathan Travis 01865 855206

October 2011

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Division(s):N/A

CABINET MEMBER FOR SAFER AND STRONGER COMMUNITIES

TRADING STANDARDS COMPLAINTS PRIORITISATION POLICY

Report by Director of Social and Community Services.

Introduction

1. The Trading Standards Service receives approximately 8000 new complaints and enquiries each year. Around 3000 of these complaints and enquiries are subsequently referred to one of the enforcement teams since the initial assessment suggests that an infringement of consumer protection legislation may have occurred. These vary from minor infringements to serious offences causing significant detriment to Oxfordshire consumers and businesses.
2. In addition, the service receives approximately 2000 requests for business support each year. These requests include local businesses seeking legal advice to assist in meeting the requirements of consumer protection legislation, requests for legal metrology services and requests for information about our Buy with Confidence scheme.
3. The number of complaints and enquiries requiring a response from our enforcement and business support teams has been increasing steadily over the last few years. In 2008/9 the total number of complaints and enquiries requiring a response from these teams was 3593. In 2009/10 this had risen to 4051 and in 2010/11 the total was 5385; a 50% increase on the number from 2008/9. There are many factors contributing to this increasing demand on the Service. One of the main factors is a change in legislation that brought within the enforcement arena some issues that previously could only be dealt with through individual civil action to seek redress.
4. In addition, the service has seen an increase in the complexity of some of the issues highlighted through consumer complaints. The number of doorstep crime related incidents reported to the service has increased from 264 during 2008/9 to 524 in 2010/11. These incidents are often complex to investigate, requiring expert and forensic evidence to identify the scale of the offending and the offenders themselves. Other complex cases investigated recently include a letting agency that failed to pass on rent and failed to protect and return tenant deposits and a building business that generated a large number of complaints and is currently scheduled for a five week Crown Court trial in November and December.
5. Trading Standards do not have the capacity to investigate all these complaints. Therefore, it is necessary to introduce a process that ensures the services resources are directed at dealing with the most serious and urgent complaints and in a way that ensures that vulnerable consumers are best protected.

6. The Service has an 'intelligence-led' approach to enforcement. As such, not all individual complaints are investigated upon receipt. Trends and patterns are identified through monthly analysis of intelligence and action is agreed against any emerging problem businesses or trade sectors. Through this process the Service can identify issues that seem to be relatively minor in isolation but which build into a more significant issue when looked at in totality.
7. In providing consumer advice the Service primarily provides self-help advice, i.e. information and materials so that the complainant can attempt to resolve their problem themselves. However, the Service will offer additional assistance to consumers that may require that help in order to exercise their rights. This would apply when the complainant may have difficulty accessing or understanding guidance and information, where they may need assistance to read contract documents, where they may not be able to communicate effectively, etc.
8. The service has trialled a structured approach to prioritising our enforcement response to complaints. This approach involves an assessment of each complaint against some defined criteria as documented in the draft Complaints Prioritisation Policy included in Annex 1 to this report.
9. This report seeks approval to formally adopt the Complaints Prioritisation Policy.

Exempt Information

10. None

Complaints Prioritisation Policy

11. The Policy applies to complaints made by both consumers and businesses.
12. The Policy aims to set out a clear, transparent and consistent process for determining priorities to ensure that complaints receive attention commensurate with the risk apparent in the practice or issue concerned.
13. The prioritisation process starts with an initial appraisal of the likelihood of achieving a successful outcome, such as prevention or reduction in a safety threat or prevention or reduction in a threat to consumer(s) economic welfare. Other intelligence will be taken into account in completing this assessment, but if it is not realistic to expect the allocation of resources to an issue to result in some benefit then the matter is unlikely to be progressed. For example, the service commonly receives information on postal scams. In all circumstances the service will seek to provide support to vulnerable victims to prevent repeat victimisation. However, if it is apparent that the perpetrators are overseas and no enforcement cooperation mechanism is in place, the Service will not investigate the matter further.

14. The grading applied to a complaint will remain under review whilst the matter is investigated and can be changed as information emerges. In some cases it is necessary to carry out preliminary enquiries to determine the most appropriate grading of a complaint. In this instance the preliminary enquiries will be completed before a grading is applied. This may result in lower priority activities receiving some initial investigation capacity but the complaint will be regraded as soon as possible.

Grading of Complaints

15. Complaints are graded from Grade 1 (highest risk) to Grade 4 (Intelligence only).
16. Grade 1 complaints are urgent or serious matters, e.g. a product safety matter which poses an immediate and serious risk to consumers or a matter affecting vulnerable consumers whom need immediate support, such as to assist in a doorstep crime incident. We will aim to contact complainants as soon as possible and within the same day wherever possible and at least within 8 working hours. Any further response required will be determined from this initial contact and will follow immediately. Typically around 5% of complaints fall into this category.
17. Grade 2 complaints are those that are not deemed to be grade 1, but fall within one of the current service priorities, or are of sufficient impact on the community or business to warrant further investigation. Our normal service standards will apply for grade 2 complaints (an initial response on the same day or by the end of the next working day and a full response within 7 working days). Typically 35% of complaints fall into this category.
18. Examples of recent category 2 complaints received and investigated by the Trading Standards Service include a business that was selling misdescribed and 'clocked' cars. In this instance an immediate response was not required to secure evidence or prevent loss, but significant loss could have resulted if the practice was allowed to continue. A further example was a complaint about the safety of a ladder, when a ladder had buckled in use and the user had fallen off, luckily without injury. The consumer had complained to the ladder company in the first instance, and only complained to the Trading Standards Service some time after the event, when the ladder company had not offered the redress he wanted. Had the manufacturer/ importer not already been made aware of this incident the matter would probably have been graded as a category 1 complaint.
19. Grade 3 complaints are where there is a clear infringement of legislation alleged by the complainant, and the most likely and effective outcome is a referral to another agency or Trading Standards Department. For example, where the complaint is regarding an Environmental Health enforced matter, or the most appropriate mechanism to achieve an outcome is a referral to the Home Authority (i.e. the Trading Standards Service local to the business's decision making base and which has an established mechanism with the business for resolving enforcement concerns). An example of the latter type of

complaint may be food labelling legislation breach which requires rectification through redesigning the product packaging.

20. Examples of recent category 3 complaints include a shop selling illegally relabelled jams and preserves. It transpired that the stock was stolen and had been relabelled to hide its origins. Officers referred the matter to the local Environmental Health Department who have investigated the matter and are prosecuting the business concerned. Since the stock was stolen in a lorry theft the local Police force also involved.
21. A second example of a category 3 complaint is an Oxfordshire resident that complained that they had fallen for a property investment scam. The company is based in another local authority area, and all the meetings and transactions had occurred in that area. We passed the information to the local Trading Standards Service and they are investigating the matter, alongside similar complaints made by complainants across the Country.
22. Grade 4 complaints will apply to issues which have a low impact or where effective enforcement action is unlikely. The information will be used to identify trends in local business activity, which may subsequently require an intervention by the Service.
23. Examples of recent category 4 complaints include a telephone computer virus scam where the caller claimed to be from Microsoft and tried to get access to the consumer's computer. The consumer did not fall for the scam, but wanted to let us know. We had previously put out press releases and information through the media and our website to warn consumers to avoid falling for this scam. We could not investigate the scam due to the scam originating overseas. By tracking the number of these reports over time further prevention work can be initiated if the number increases.
24. Any complaints graded as 1 or 2 above will be investigated in-line with the County's Enforcement Policy.

Customer Expectations

25. This policy formalises the approach the service will take to the allocation of resources. Adopting this policy will provide clarity to customers on the decision making process to be employed. It is clear that some matters reported to the Service will not result in a direct response and this could be challenged by some customers who expect the issue they report to be addressed directly. However, it is impossible to allocate enforcement resources to respond to every complaint made to the Service. Therefore, adopting a formal policy should assist by ensuring there is a transparent decision making process.
26. If the draft policy is not adopted there is a risk that complaints are not dealt with in a consistent manner and lower priority complaints will be investigated before those that present a higher risk to consumers and which should therefore have a higher priority. The decision making process used to

determine which issue is a priority will be less clear and transparent, as it will be for Team Leaders and individual officers to decide what are the priorities are.

27. The draft complaints prioritisation policy has been trialled in the Service for the last 9 months. There have been no complaints made to the Service since the introduction of the draft policy about the process adopted and the resulting response to a complaint.

Legal Implications

28. The County Council has a statutory duty to enforce certain consumer protection legislation within Oxfordshire. The majority of the enforcement work of the Trading Standards Service is based around this legal duty and fulfils the Council's legal obligations under the legislation concerned. The legislation concerned is not prescriptive as to how the authority must discharge its enforcement responsibilities. Adopting this policy will result in some breaches of legislation remaining unaddressed. However, the policy will ensure that these are the lower impact issues and that the service is effective in tackling the higher priority, higher risk and more serious issues. Following an intelligence-led approach to service planning will ensure that all issues are considered and that lower priority issues will still be addressed should the intelligence suggest the risk has escalated.
29. A Legal Assessment of this draft Policy has been completed by legal Services and they foresee no legal issues arising from the introduction of this Complaints Prioritisation Policy.

Financial and Staff Implications

30. There will be no financial or staffing implications arising as a result of adopting this Policy.

Equality and Inclusion

31. The introduction of this Policy is not considered to raise any equality or inclusion issues. The Policy itself ensures that consideration is given to factors such as whether practice exploits vulnerable consumers, whether the consumer could identify the risks for themselves and the social impact of the issue on any relevant community. In addition, through linking this policy to the Service's approach to providing additional assistance to consumers who require help to exercise their rights, the Service is positively seeking to identify and assist disadvantaged or socially isolated groups.

RECOMMENDATION

32. **The Cabinet Member for Safer & Stronger Communities is RECOMMENDED to approve the Complaints Prioritisation Policy in Annex 1 for use by the Trading Standards Service.**

CMDSSC5

NAME: John Jackson
Director of Social and Community Services

Background papers: Nil

Contact Officer: Richard Webb, Acting Head of Trading Standards &
Community Safety. 01865 815791

October 2011

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 standards¹ 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.

¹ 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 response²)

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.

² 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.