North Yorkshire County Council

Business and Environmental Services

Executive Members

26 October 2018

Trading Standards Tasking Filter and Matrix

Report of the Assistant Director - Growth, Planning and Trading Standards

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1.0   Purpose of the report

1.1   To report to BES Executive Members and the Corporate Director - BES on the use of the trading standards filter and matrix from 1 September 2017 to 31 August 2018.

1.2   To seek approval for the continued use of the filter and matrix.

2.0   Background

2.1   The filter and matrix was approved by BES Executive Members and the Corporate Director - BES on 27 February 2015 and implemented from 1 April 2015. It has been subject to minor amendments on a number of occasions. The last report was made on 20 October 2017.

2.2   The filter and matrix was implemented to enable the trading standards service (TSS) to manage and allocate reduced resources. Whilst a reduction in core budget of £784,000 between 2015/16 and 2018/2019 has been mitigated by successes the Service has had in obtaining corporate and external funding to run specific delivery programmes and projects, the impact on core work is such that there are fewer resources to provide investigative and inspection work outside those service delivery programmes and projects. TSS uses the filter and matrix mechanism to manage the volume of complaints and service requests received. It ensures that there is an agreed, consistent and transparent approach to the response provided to all such complaints and service requests.

3.0   Complaints and Service Requests

3.1   The TSS currently receives around 7,000 consumer complaints per year via the Citizens Advice Consumer Service helpline. Between 1 September 2017 and 31 August 2018, 6,926 complaints were received. This compares with 6,876 between 1 September 2016 and 31 August 2017. In addition, an average of 2,000 service requests are made each year for business advice (including animal health and food), no cold calling zones, weight restriction enforcement, and education work. Between 1 September 2016 and 31 August 2017, 1,475 service requests were received. This compares to 1,611 between 1 September 2016 and 31 August 2017.

3.2   Charts showing the number of complaints received, filtered, scored through the matrix and tasked for 1 September 2017 to 31 August 2018 are set out in Appendix A to this report.

4.0   Proposed Amendments to the Filter and Matrix

4.1   Two changes are proposed to the filter and matrix in order to deprioritise two areas of work: anonymous or low reliability complaints; and complaints about North Yorkshire businesses which are only capable of impacting on consumers living outside the county. The current filter and matrix is produced as Appendix B to this report and the proposed amendments are set out in Appendix C.

4.2   Whilst most complaints are received from consumers who provide their name and address, and have documentation or other evidence to support their allegations, unsubstantiated anonymous complaints are received from time to time. Such complaints may be received directly or via a partner or third party agency or organisation. Currently, such complaints are followed up if the nature of the complaint scores sufficiently on the matrix, but are often unfounded and may even result from a grudge. It is proposed that such complaints would in future be filtered out completely or filtered out but recorded for intelligence purposes only, with an appropriate grading reflecting the reliability of the source. This is revised point 3 of the filter. An example of the effect this change would have is provided in Appendix D to this report.

4.3   Complaints about North Yorkshire businesses from complainants located outside the county will currently result in investigation or advice if the nature of the complaint scores sufficiently on the matrix. However, on occasion this means that significant resources are deployed in relation to a matter which can never impact on North Yorkshire residents. It is therefore proposed that revised point 4 of the filter (Does the identified problem link to local priorities?) should specifically consider whether the problem can only ever cause detriment to consumers or businesses outside North Yorkshire. In such an eventually the complaint would be rejected at that point. An example of the effect this change would have is provided in Appendix D to this report.

4.4   It is proposed that current point 4 (does the problem cause or risk injury or death?) is amended to 'does the problem cause or risk serious injury or death?' and moved to point 3 so that anonymous complaints about matters such as food allergens or highly dangerous consumer products would still be followed up.

5.0   Legal Implications

5.1   Legal and Democratic Services were consulted and advised that there are no legal implications in connection with the implementation of the filter and matrix.

6.0   Financial Implications

6.1   There are no significant financial implications for the County Council arising from this report.

7.0   Equalities Implications

7.1   There are no equalities implications for the amendments. A decision record sheet covering the decision not to complete an equalities impact assessment in relation to the introduction of the filter and matrix was submitted and signed off, attached as Appendix E.

8.0   Recommendations

8.1   That BES Executive Members and the Corporate Director - BES note the contents of this report and approve the continued use of the filter and matrix;

8.2   That BES Executive Members and the Corporate Director – BES approve the amendments proposed in section 4 of the report;

8.3   Subject to such approval, that the TSS reports on the use of the filter and matrix to BES Executive Members and the Corporate Director – BES in October 2019.

Matt O'Neill
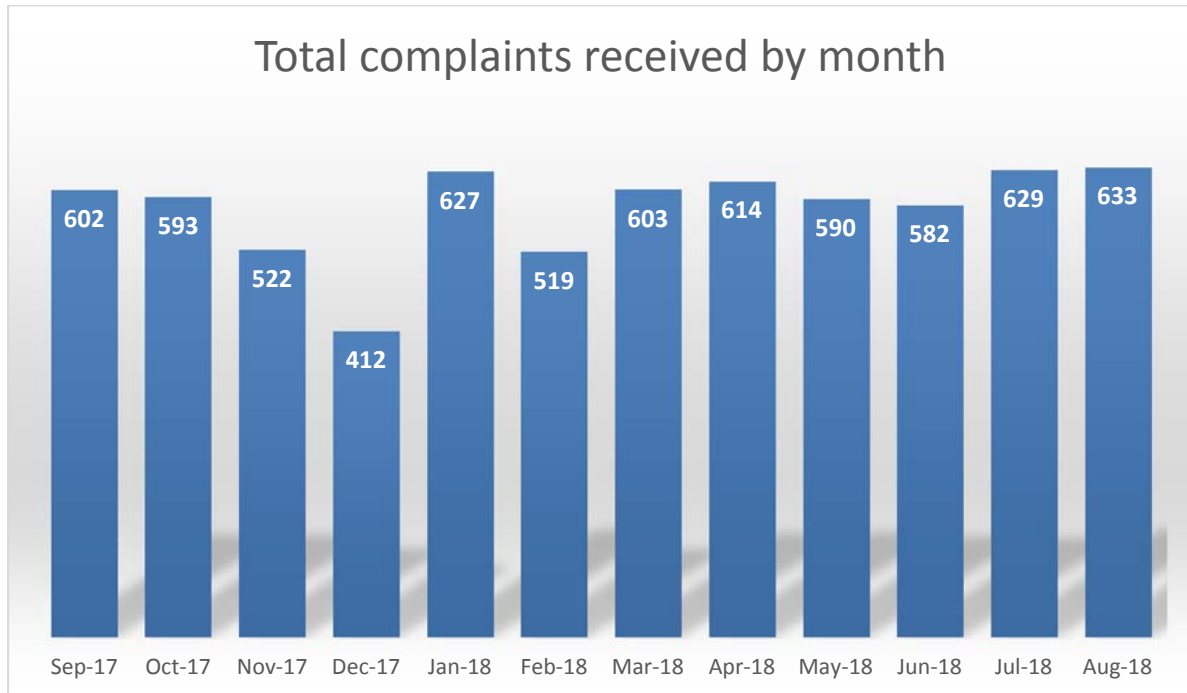Assistant Director - Growth, Planning and Trading Standards

Author of report: Jo Boutflower, Head of Business and Consumer Services
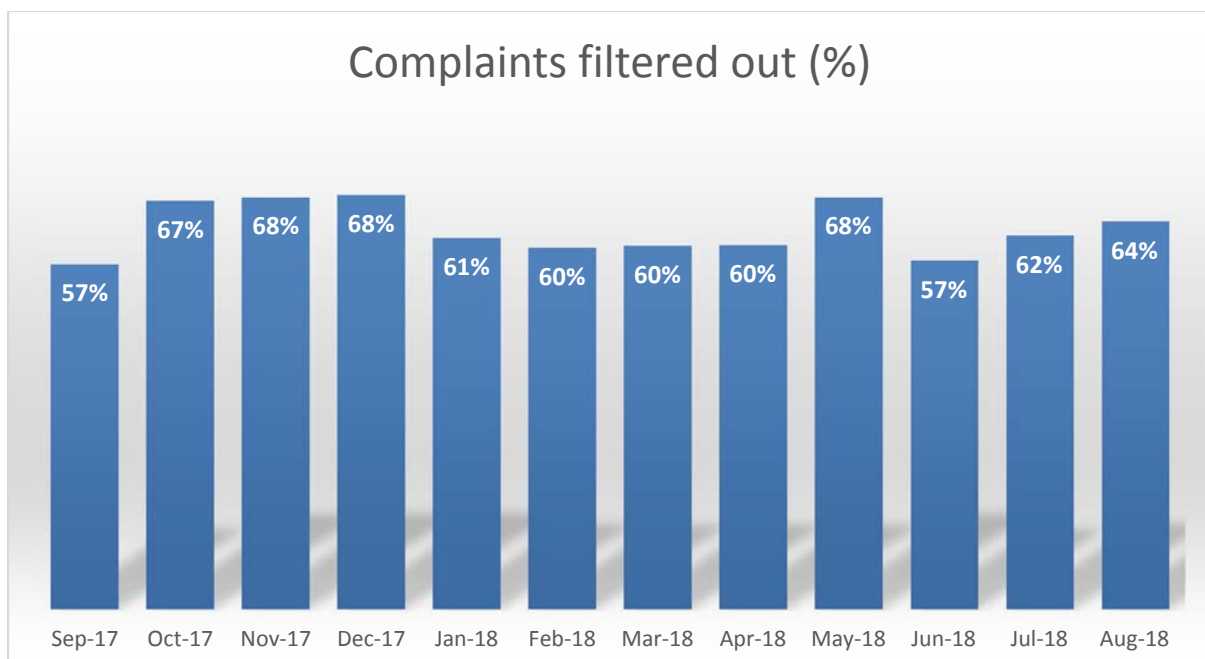
Background Documents:
None

APPENDIX A – COMPLAINTS RECEIVED AND TASKED

The total number of complaints received between 1 September 2017 – 31 August 2018 is 6926, broken down by month as follows;

Total complaints received by month

Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18
602	593	522	412	627	519	603	614	590	582	629	633

Of the 6926 complaints received, 62% were filtered out. The number of complaints filtered out is shown below;

Complaints filtered out (%)

Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18
57%	67%	68%	68%	61%	60%	60%	60%	68%	57%	62%	64%

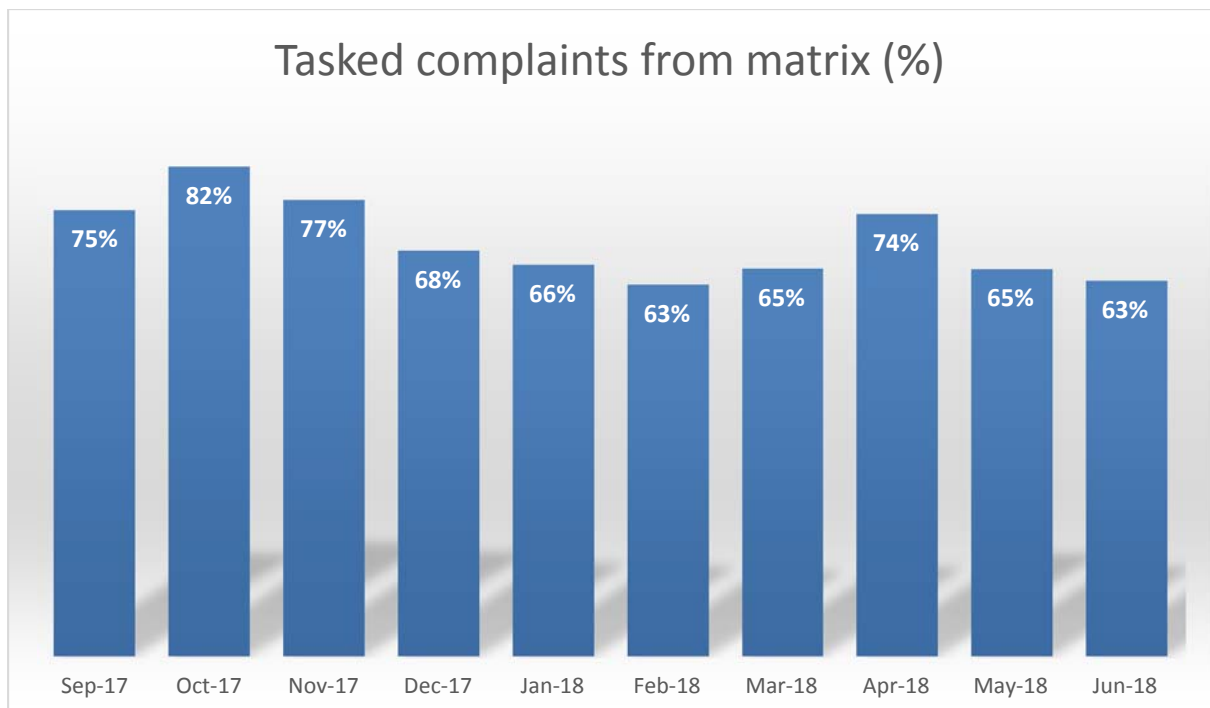**Of the remaining complaints, 1601 complaints were passed through the filter and were matrixed. This equates to 23% of all complaints received.**
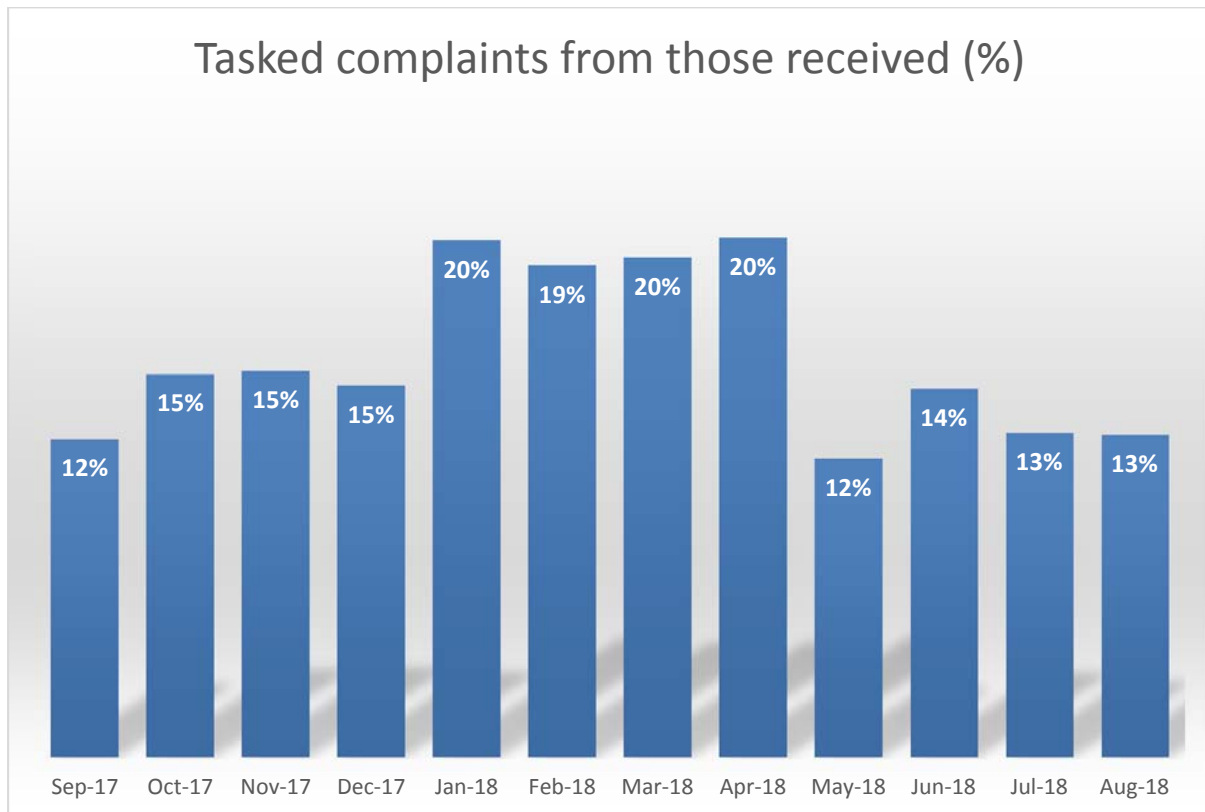
This is how it was broken down each month;

Complaints matrixed (%)

Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18
17%	18%	20%	21%	31%	31%	30%	27%	18%	23%
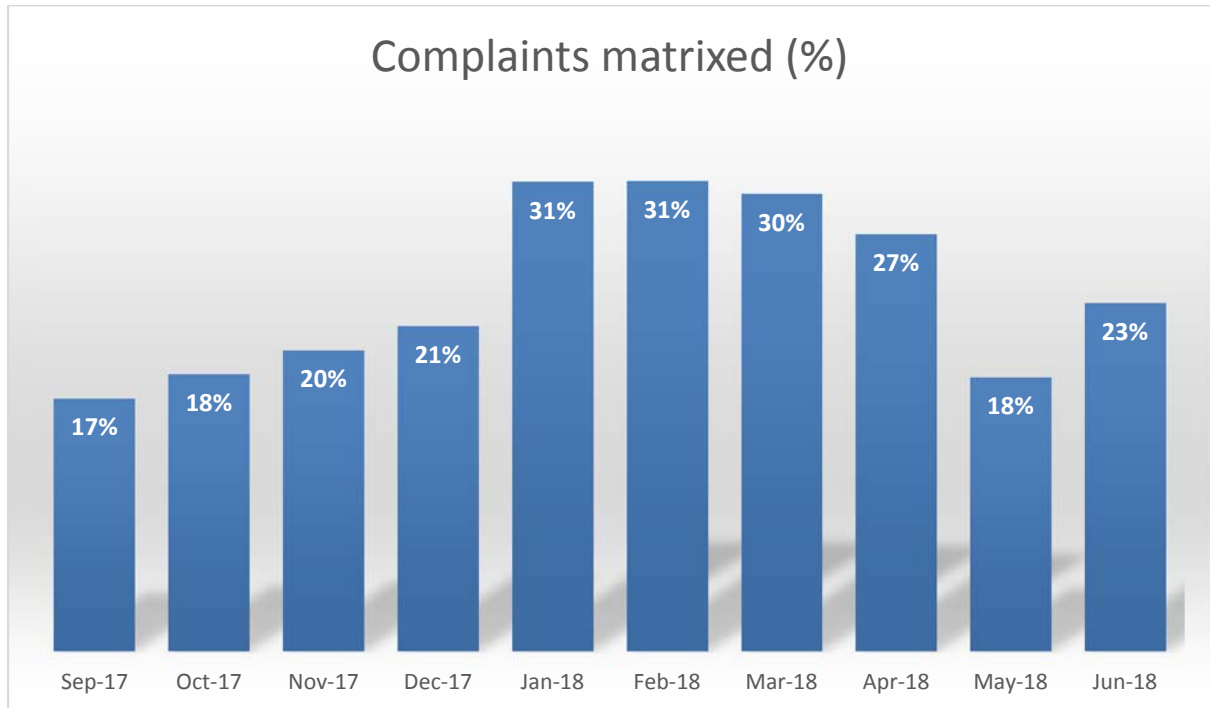
68% of all matrixed complaints were tasked, broken down per month as follows;

Tasked complaints from matrix (%)

Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18
75%	82%	77%	68%	66%	63%	65%	74%	65%	63%

16% of complaints received by the service were tasked, broken down per month as follows;

Tasked complaints from those received (%)

Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18
12%	15%	15%	15%	20%	19%	20%	20%	12%	14%	13%	13%

APPENDIX B – CURRENT FILTER AND MATRIX

Criteria	Yes	No	Comments
1. Does the identified problem fit within the NYCC TS remit?		**REFER**	Refer to other agency if appropriate
2. Would the identified problem be best dealt with by another agency?			Refer to other agency if appropriate
3. Does the identified problem link to local priorities?		**RECORD**	Record intel if appropriate
4. Does the problem cause or risk injury or death?	**GO TO 12**	**GO TO 5**	
5. Does the problem involve a risk to animal welfare?	**GO TO 12**	**GO TO 6**	
6. Does the problem cause an animal disease risk?	**GO TO 12**	**GO TO 7**	
7. Does the problem cause or risk significant consumer detriment?	**GO TO 12**	**GO TO 8**	
8. Does the problem affect a vulnerable consumer even where detriment is low?	**GO TO 12**	**GO TO 9**	
9. Does the commercial practice amount to an aggressive practice?	**GO TO 12**	**GO TO 10**	
10. Does the problem provide a suspected offender with significant financial benefit?	**GO TO 12**	**GO TO 11**	
11. Does the problem cause or risk significant business detriment?	**GO TO 12**	**RECORD**	Record for intelligence purposes if appropriate
12. Is the identified threat/risk happening now, continuing or is it imminent?		**EDUCATE & RECORD**	Consider proportionate use of education/media and make an intelligence submission as appropriate
13. Does action help to stop the activity taking place?		**EDUCATE & RECORD**	Consider proportionate use of education/media and make an intelligence submission as appropriate
14. Is there level 2 or 3 offending or a sector-wide issue suitable for a regional or national referral?	**REFER or TASK**		Refer to regional tasking (for Scambusters or NTG referral) where appropriate
15. Is there a reputational risk to NYCC if no action by NYTS	**TASK**	**TASK**	Task in accordance with matrix

FACTOR	NONE *Score 0*	LOW *Score 1*	MODERATE *Score 6*	HIGH *Score 10*	SCORE	COMMENTS
Public Safety	*No risk of harm/injury*	*Low risk of harm/injury*	*Risk or reports of minor harm/injury*	*Risk or reports of major harm/injury*		
Vulnerable Consumer/ Aggressive Practices	*No indication of vulnerability/ aggression*	*Low indication of vulnerability/ potential aggressive practice*	*Vulnerable persons affected/ aggressive practice used*	*Vulnerable persons specifically targeted/ aggressive practice targeted at vulnerabilities*		
Financial Detriment (including wider economic impact)	*No financial detriment*	*Total value estimated at less than £1,000*	*Total value estimated at £1,000 to £10,000*	*Total value estimated at over £10,000*		
Animal Welfare	*No risk to animal welfare*	*Low harm/risk – score 5*	*Medium harm/risk – score 10*	*Major harm/risk – score 25*		APPLY ANIMAL WELFARE ASSESMENT CRITERIA
Animal Disease Risk	*No animal disease risk*	*Low animal disease risk*	*Risk or reports of minor disease issues*	*Risk or reports of major disease issues*		
Reputational Risk	*No media or public interest*	*Low media or public interest*	*Corporate priority or some media or public interest*	*Significant media or public interest*		
Trader Profile (divisor of 2 applies for Primary Authorities)	*No longer trading*	*Single outlet or local online presence*	*Multiple outlets or reach*	*National or international chain of outlets or trading website*		
Trader History	*Positive history*	*No known history*	*3 or fewer justified complaints in 12 months*	*Relevant previous convictions, cautions, more than 3 justified complaints in 12 months or on-going investigation*		

SCORING   **0 - NFA**   **1-13 - Monitor/NFA**   **14-22 – Advise**   **23+ - Investigate**

Animal Welfare Assessment Criteria

To determine the matrix score for the 'Animal Welfare' category use the following criteria. If the relevant condition is not listed, professional judgment should be used to match to an equivalent level of severity.

MINOR HARM/RISK	SCORE 5
Uncorroborated reports from walkers of lame animals in fields.	
MEDIUM HARM/RISK	**SCORE 10**
Abscess (single)	
In-growing horn (no broken skin)	
Lameness (partial weight-bearing)	
Referral from another agency re lameness	
Rupture (single)	
Tail biting	
HIGH HARM/RISK	**SCORE 25**
Abscess (multiple)	
In-growing horn (broken skin)	
Lameness (severe)	
Rupture (multiple)	
Tail biting (severe, multiple animals)	

APPENDIX C – REVISED FILTER AND MATRIX

Criteria	Yes	No	Comments
1. Does the identified problem fit within the NYCC TS remit?		**REFER**	Refer to other agency if appropriate
2. Would the identified problem be best dealt with by another agency?			Refer to other agency if appropriate
3. Does the problem cause or risk serious injury or death?	**GO TO 13**	**GO TO 4**	Serious injury defined by ref to HSE Enforcement Management Model
4. Is the complaint anonymous or of poor reliability?	**RECORD**		Record for intelligence purposes if complaint relates to other safety, doorstep crime, animal health & welfare, or underage sales.
5. Does the identified problem link to local priorities?		**RECORD INTEL IF APPROPRIATE**	**Reject** if problem is incapable of causing detriment in North Yorkshire
6. Does the problem involve a risk to animal welfare?	**GO TO 13**	**GO TO 7**	
7. Does the problem cause an animal disease risk?	**GO TO 13**	**GO TO 8**	
8. Does the problem cause or risk significant consumer detriment?	**GO TO 13**	**GO TO 9**	Including cause or risk of significant or minor injury not covered by 3.
9. Does the problem affect a vulnerable consumer even where detriment is low?	**GO TO 13**	**GO TO 10**	
10. Does the commercial practice amount to an aggressive practice?	**GO TO 13**	**GO TO 11**	
11. Does the problem provide a suspected offender with significant financial benefit?	**GO TO 13**	**GO TO 12**	
12. Does the problem cause or risk significant business detriment?	**GO TO 13**	**RECORD**	Record for intelligence purposes if appropriate
13. Is the identified threat/risk happening now, continuing or is it imminent?		**EDUCATE & RECORD**	Consider proportionate use of education/media and make an intelligence submission as appropriate
14. Does action help to stop the activity taking place?		**EDUCATE & RECORD**	Consider proportionate use of education/media and make an intelligence submission as appropriate
15. Is there level 2 or 3 offending or a sector-wide issue suitable for a regional or national referral?	**REFER or TASK**		Refer to regional tasking (for Scambusters or NTG referral) where appropriate
16. Is there a reputational risk to NYCC if no action was undertaken by NYTS?	**TASK**	**TASK**	Task in accordance with the tasking matrix

FACTOR	NONE Score 0	LOW Score 1	MODERATE Score 6	HIGH Score 10	SCORE	COMMENTS
Public Safety	*No risk of harm/injury*	*Low risk of harm/injury*	*Risk or reports of minor harm/injury*	*Risk or reports of major harm/injury*		
Vulnerable Consumer/ Aggressive Practices	*No indication of vulnerability/ aggression*	*Low indication of vulnerability/ potential aggressive practice*	*Vulnerable persons affected/ aggressive practice used*	*Vulnerable persons specifically targeted/ aggressive practice targeted at vulnerabilities*		
Financial Detriment (including wider economic impact)	*No financial detriment*	*Total value estimated at less than £1,000*	*Total value estimated at £1,000 to £10,000*	*Total value estimated at over £10,000*		
Animal Welfare	*No risk to animal welfare*	*Low harm/risk – score 5*	*Medium harm/risk – score 10*	*Major harm/risk – score 25*		APPLY ANIMAL WELFARE ASSESMENT CRITERIA
Animal Disease Risk	*No animal disease risk*	*Low animal disease risk*	*Risk or reports of minor disease issues*	*Risk or reports of major disease issues*		
Reputational Risk	*No media or public interest*	*Low media or public interest*	*Corporate priority or some media or public interest*	*Significant media or public interest*		
Trader Profile (divisor of 2 applies for Primary Authorities)	*No longer trading*	*Single outlet or local online presence*	*Multiple outlets or reach*	*National or international chain of outlets or trading website*		
Trader History	*Positive history*	*No known history*	*3 or fewer justified complaints in 12 months*	*Relevant previous convictions, cautions, more than 3 justified complaints in 12 months or on-going investigation*		

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Abscess (multiple)	
In-growing horn (broken skin)	
Lameness (severe)	
Rupture (multiple)	
Tail biting (severe, multiple animals)	

Revised Point 4

This revision would filter out anonymous complaints or those from sources believed to be of poor reliability.

Example

An anonymous complaint is received alleging that there are a number of carcases in a farmer's field visible from a footpath. This would currently be responded to immediately because of the disease risk associated with carcases. Using the revised point 3, this complaint would be filtered out. It could be recorded for intelligence purposes with the intelligence grading reflecting the fact that its reliability is unknown.

On occasion, partners and other agencies or organisations receive anonymous complaints. In these cases the complaints will still be treated as anonymous because their reliability or credibility is not affected by their being passed on by another body.

Revised Point 5

This revision would filter out complaints about trading practices which have no detrimental effect on North Yorkshire residents or businesses.

Example

The Advertising Standards Authority has recently ruled against a company claiming free UK postage because residents of the Highlands and certain other specified areas incurred a surcharge. The Highland Council has launched its own website, Delivery Law, concerning this issue and it actively refers complaints concerning postage costs/claims applied by North Yorkshire businesses.

A typical complaint is that the home page of a website states **Free UK delivery*** and lower on the page *** Highlands and Isle of Wight excluded** or **Free UK delivery terms & conditions apply** and clicking through the link provides details of the surcharge.

Applying the current filter and matrix would result in the complaint passing the filter at point 7 on the basis that although individual consumer detriment is small, the total detriment could be significant.

Applying the proposed revision would result in the complaint being filtered out at point 3. The Highland Council would have the option to write an advisory letter or take another other action as it saw fit. North Yorkshire officers could also draw the attention of North Yorkshire businesses to the issue and the available advice in the provision of business advice but specific enforcement resources would not be allocated to the issue.

APPENDIX E – EQUALITIES IMPACT ASSESSMENT SCREENING FORM

Initial equality impact assessment screening form **(As of October 2015 this form replaces 'Record of decision not to carry out an EIA')** **This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.**	
Directorate	BES
Service area	Trading Standards
Proposal being screened	Trading Standards Tasking Filter and Matrix
Officer(s) carrying out screening	Jo Boutflower
What are you proposing to do?	To make two amendments to the existing Trading Standards tasking filter and matrix to deprioritise anonymous complaints and complaints about matters which cannot cause detriment to North Yorkshire residents.
Why are you proposing this? What are the desired outcomes?	The filter and matrix was introduced to ensure that as the trading standards budget was reduced its resources were properly and consistently allocated.
Does the proposal involve a significant commitment or removal of resources? Please give details.	No. The available resources are unaffected by this decision although it would result in those resources being allocated differently. The purpose of this is to make their deployment more effective and for the benefit of North Yorkshire residents.

Is there likely to be an adverse impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics?

As part of this assessment, please consider the following questions:

- **To what extent is this service used by particular groups of people with protected characteristics?**

- **Does the proposal relate to functions that previous consultation has identified as important?**

- **Do different groups have different needs or experiences in the area the proposal relates to?**

If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.

Protected characteristic	Yes	No	Don't know/No info available

Age		X	
Disability		X	
Sex (Gender)		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
NYCC additional characteristic			
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	
Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	No.		
Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No.		
Decision (Please tick one option)	EIA not relevant or proportionate:	X	Continue to full EIA:	
Reason for decision	The revised policy is being put in place to ensure NYCC resources are allocated in a transparent and consistent manner and to the benefit of North Yorkshire residents.		
Signed (Assistant Director or equivalent)	*Matt O'Neill*		
Date	15.10.2018		