

North Yorkshire County Council

Business and Environmental Services

Executive Members

18 December 2020

Trading Standards Tasking Filter and Matrix

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

1.0 Purpose of the report:

- 1.1 To report to the Corporate Director Business and Environmental Service (BES) and the BES Executive Members and on the use of the trading standards filter and matrix from 1 September 2019 to 31 August 2020.
- 1.2 To seek approval for the continued use of the filter and matrix.

2.0 Background to the report

- 2.1 BES Executive Members and the Corporate Director (BES) approved the filter and matrix on 27 February 2015, and it was implemented from 1 April 2015. It has been subject to minor amendments on a number of occasions. The last report was made on 11 December 2019. The current filter and matrix is produced as appendix A to this report.
- 2.2 The filter and matrix was introduced to enable the Trading Standards Service (TSS) to manage and allocate reduced resources. The reduction in core budget of £784,000 between 2015/2016 and 2020/21 has been mitigated by successes the Service has had in obtaining income and in securing corporate and external funding to run specific delivery programmes and projects. However, 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 In recent years, the TSS has received around 7,000 consumer complaints per year via the Citizens Advice Consumer Service helpline. 6,475 complaints were received between 1 September 2019 and 31 August 2020. This compares with 6,282 received between 1 September 2018 and 31 August 2019. Complaint numbers have been dropping gradually over recent years. This reflects the national position and it is believed that the ready availability of online advice for straightforward consumer enquiries, such as someone wanting to know what their statutory rights are before returning goods, is responsible. It is notable that the downward trend has reversed and there has been a slight increase in complaints during the period.
- 3.2 Charts showing the number of complaints received, filtered, scored through the matrix and tasked for 1 September 2019 to 31 August 2020 are set out in appendix B. Charts for the same period in 2018-19 are included for comparison purposes.

3.3 In addition, an average of 1,500 service requests are made each year for business advice (including animal health and food), no cold calling zones, weight restriction enforcement, and education work. 1,105 service requests were received between 1 September 2019 and 31 August 2020. This compares with 1,361 between the 1 September 2018 and 31 August 2019.

4.0 Proposed Amendments to the Filter and Matrix

4.1 It is not proposed that any changes be made to the filter or matrix this year. The pandemic has significantly affected service delivery priorities. However, the filter and matrix has worked appropriately for coronavirus related complaints as reported in section 5 below.

4.2 It is not considered that any amendments are required to respond to consequences arising from EU exit. If the transition period ends with no deal there are risks, primarily around unsafe and non-compliant products being dumped onto the UK market. However, the level of response to any such complaints would be determined by the criteria already included in the filter and matrix, such as risk of injury/harm or the vulnerability of consumers. The situation, and the need for any consequential amendments, will be kept under review as the new regulatory landscape develops.

5.0 Impact of the Coronavirus Pandemic

5.1 The first coronavirus related consumer complaint was received on 3 March 2020, and concerned the right to a refund following cancellation of a cruise. The first lockdown, with requirements for many businesses to close, came into effect on 23 March 2020. It is not possible to identify exactly the total number of complaints that related to coronavirus as separate codes were not immediately available. However, a combination of free text and codes searches of the complaints database shows that consumers made at least 362 such complaints between 3 March and 31 August 2020. The complaints fell into the following categories:

| Nature of complaint | Number |
|-------------------------------------|--------|
| Business closures | 190 |
| Holidays and other cancellations | 115 |
| Protective equipment | 23 |
| Profiteering | 14 |
| Social distancing/health and safety | 10 |
| Scams | 10 |

Dip sampling of complaints shows that the filter and matrix was effective, and that complaints which would have been expected to be tasked for reasons of safety and protecting the health of residents and others, were allocated and led to interventions.

5.2 Table 1 in Appendix B shows that the pattern of peaks of complaint numbers across the year did not change significantly. However, tables 3 and 5 show a sharp rise in the number of complaints passing the filter and being scored in March 2020 when the first effects of coronavirus were felt. Table 7 shows that this rise did not translate into a rise in tasking. 101 complaints were tasked to officers in March 2020, whereas 149 and 124 were tasked in February and April respectively. There are two reasons for this. The first is that a tasking meeting planned for 26 March did not take place following the lockdown on 23 March as officers were fully occupied responding to advice requests and complaints about business closures. The meeting took place on

1 April and so complaints tasked at that meeting fell into the April figures. The second is that the vast majority of complaints received after lockdown related to the cancellation of holidays, weddings and other events and occasions. Although passing the filter, such complaints would generally only require contractual advice and so would not be tasked to officers for investigation or enforcement advice. Once the initial period of lockdown was passed, the Competition and Markets Authority was tasked by Government with advising and responding to sector issues around frustration and breach of contract arising from covid-related cancellations. At that point such complaints would have failed the filter unless the provider was based in North Yorkshire.

6.0 Internal Audit

6.1 Veritau undertook an internal audit of the effectiveness of the filter and matrix, reporting to the Assistant Director – Growth, Planning and Trading Standards on 21 October 2020. A copy of the report (redacted to remove references relating to other areas of the Service) is produced at appendix C. The overall conclusion was: ‘A sound system of governance, risk management and control exists, with internal controls operating effectively and being consistently applied to support the achievement of objectives in the area audited.’

7.0 Legal Implications

7.1 The filter and matrix is designed to provide a consistent and transparent process by which to deploy resources and so, applied correctly, would assist with responding to complaints or legal arguments that particular enforcement action should or should not have been taken.

8.0 Financial Implications

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

9.0 Equalities Implications

9.1 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.

10.0 Recommendations

10.1 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.

10.2 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 December 2021.

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

Author of report: Jo Bouflower, Head of Business and Consumer Services

Background Documents:
None

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. Is the complaint anonymous or of poor reliability? | RECORD | | Record for intelligence purposes if complaint relates to safety, doorstep crime, animal health & welfare, or underage sales. |
| 4. Does the identified problem link to local priorities? | | RECORD INTEL IF APPROPRIATE | Reject if problem is incapable of causing detriment in North Yorkshire |
| 5. Does the problem cause or risk injury or death? | GO TO 12 | GO TO 5 | |
| 6. Does the problem involve a risk to animal welfare? | GO TO 12 | GO TO 6 | |
| 7. Does the problem cause an animal disease risk? | GO TO 12 | GO TO 7 | |
| 8. Does the problem cause or risk significant consumer detriment? | GO TO 12 | GO TO 8 | |
| 9. Does the problem affect a vulnerable consumer even where detriment is low? | GO TO 12 | GO TO 9 | |
| 10. Does the commercial practice amount to an aggressive practice? | GO TO 12 | GO TO 10 | |
| 11. Does the problem provide a suspected offender with significant financial benefit? | GO TO 12 | GO TO 11 | |
| 12. Does the problem cause or risk significant business detriment? | GO TO 12 | 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 |

Appendix A

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

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) | |

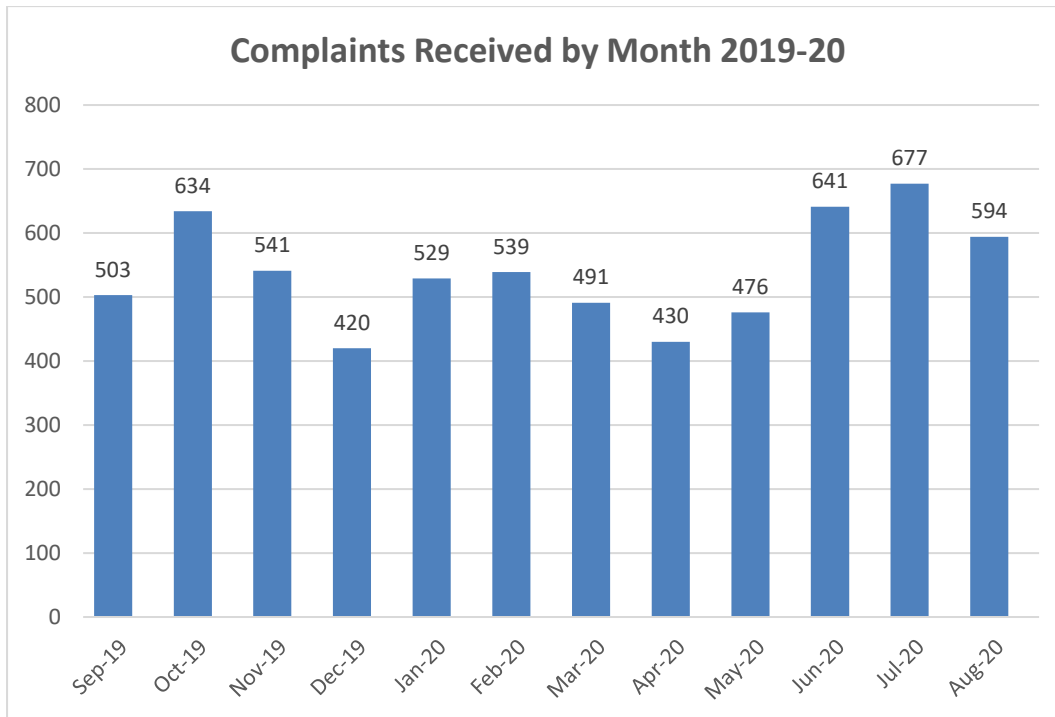
HEALTH & SAFETY EXECUTIVE ENFORCEMENT MANAGEMENT MODEL

| |
|--|
| SERIOUS PERSONAL INJURY/SERIOUS HEALTH EFFECT |
| It is credible that a fatal injury could occur. |
| It is credible that an injury could occur that results in a permanent or irreversible disabling condition, or requires immediate treatment in hospital. |
| It is credible that a health effect could occur that causes a permanent, progressive or irreversible condition. |
| It is credible that a health effect could occur that causes permanent disabling, leading to a lifelong restriction of work capability or a major reduction in quality of life. |

COMPLAINTS RECEIVED AND TASKED

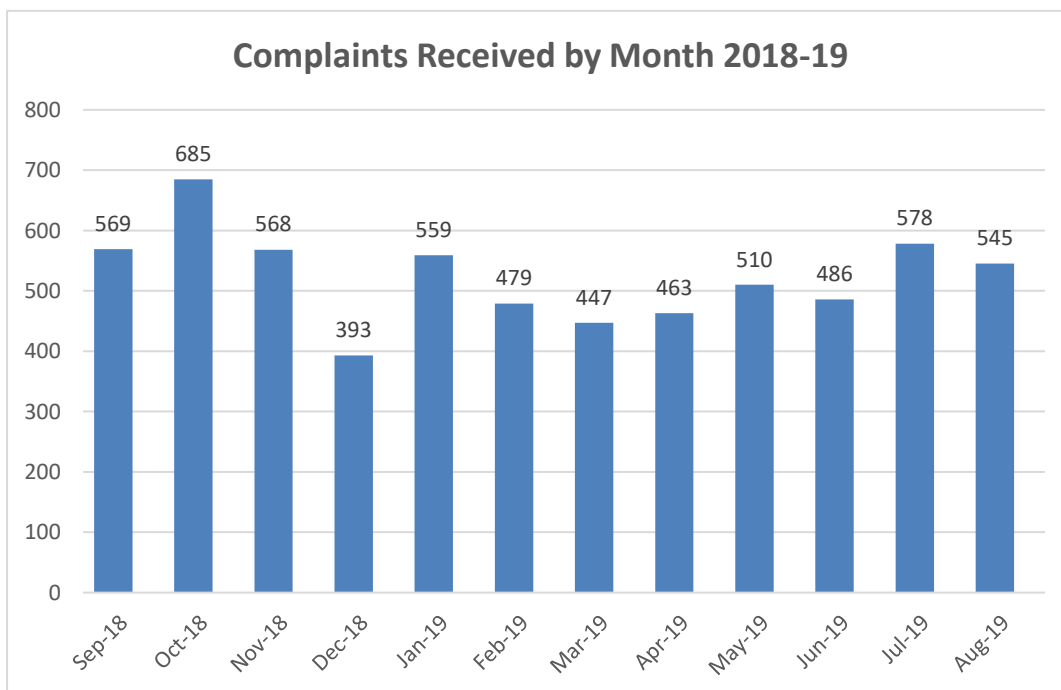
The total complaints received from 1st September 2019 to 31st August 2020 was 6,475, broken down by month as follows:

Table 1



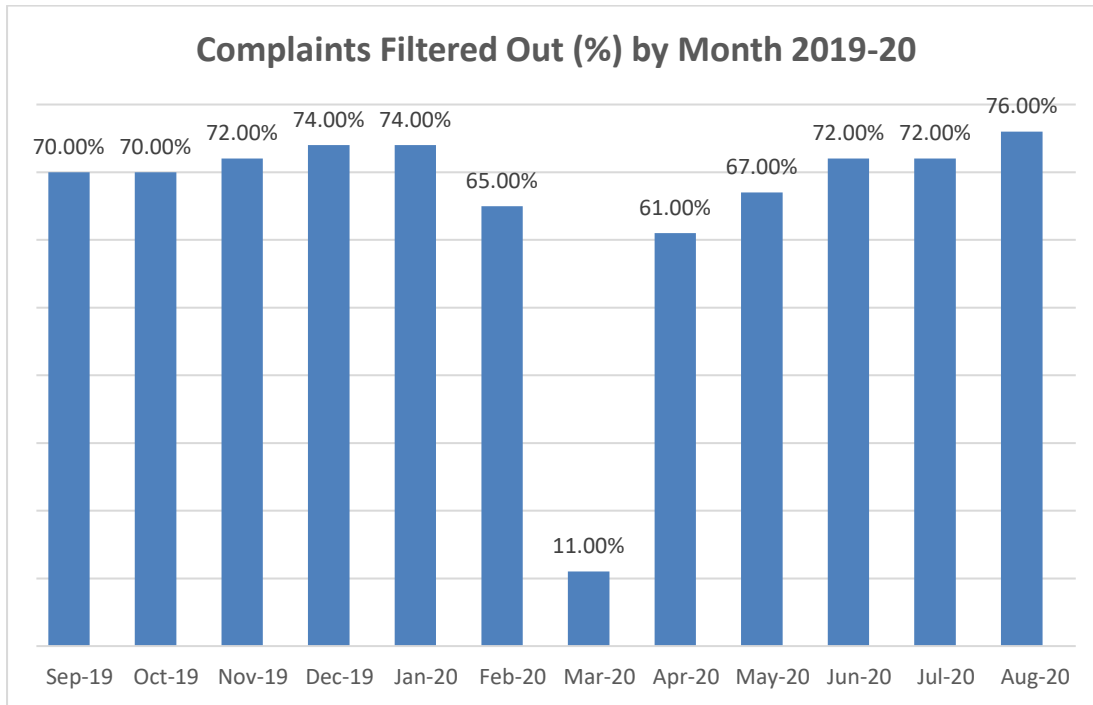
For comparison purposes, 6,282 complaints received from 1st September 2018 to 31st August 2019.

Table 2



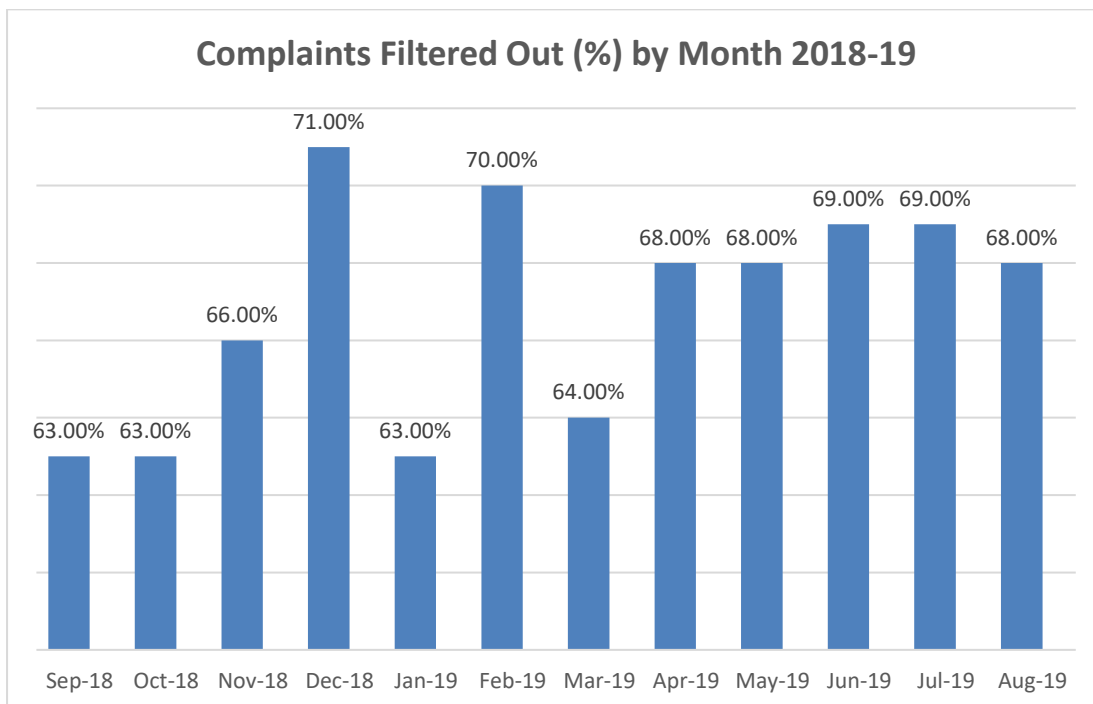
4,606 (71%) of the 6,475 complaints received were filtered out. The percentage of complaints filtered out each month is shown below:

Table 3



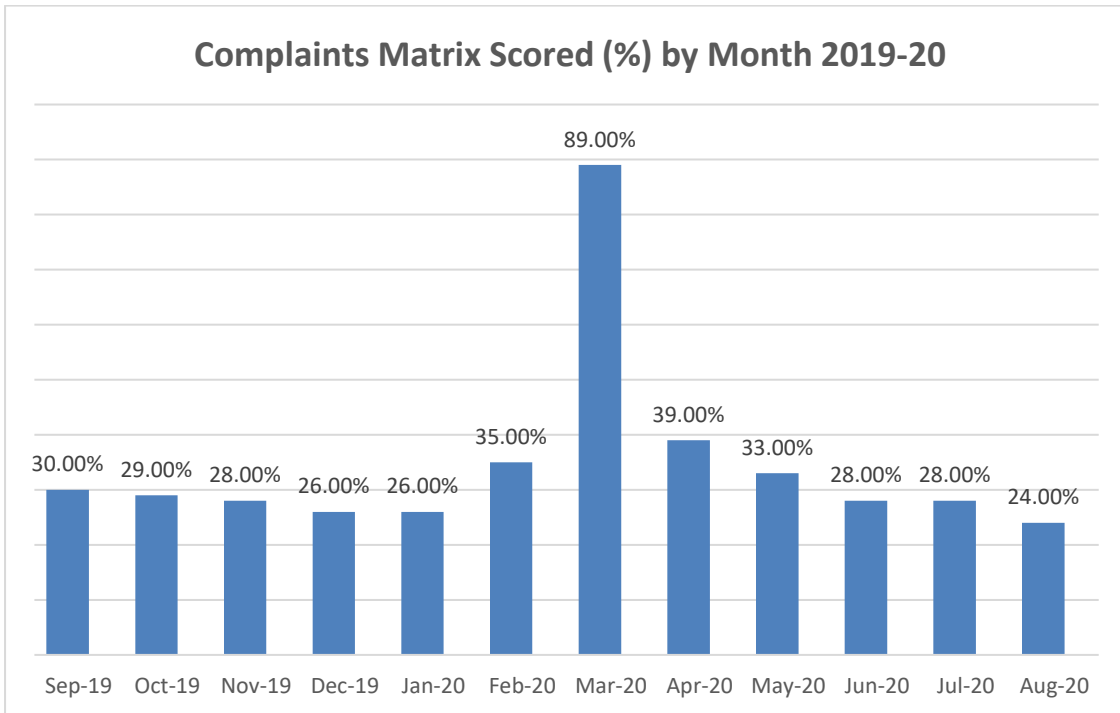
For comparison purposes, 4,171 (66%) of the 6,282 complaints received in 2018-19 were filtered out:

Table 4



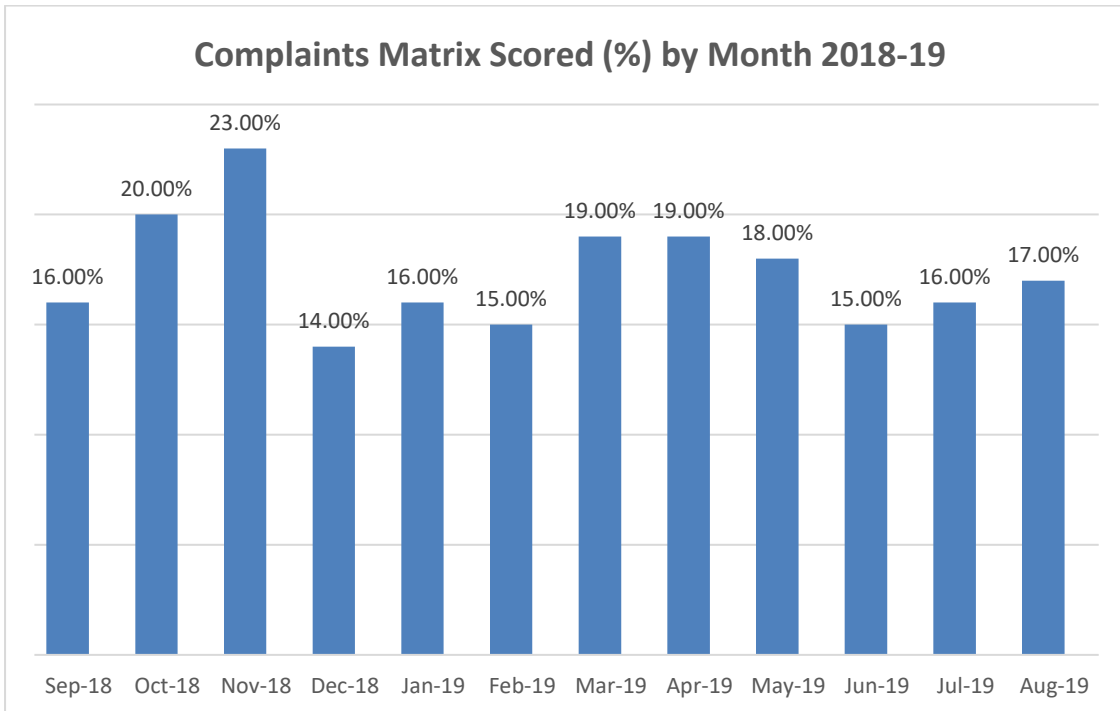
1,869 (29%) passed through the filter and were matrix scored. The percentage of complaints filtered out each month is shown below:

Table 5



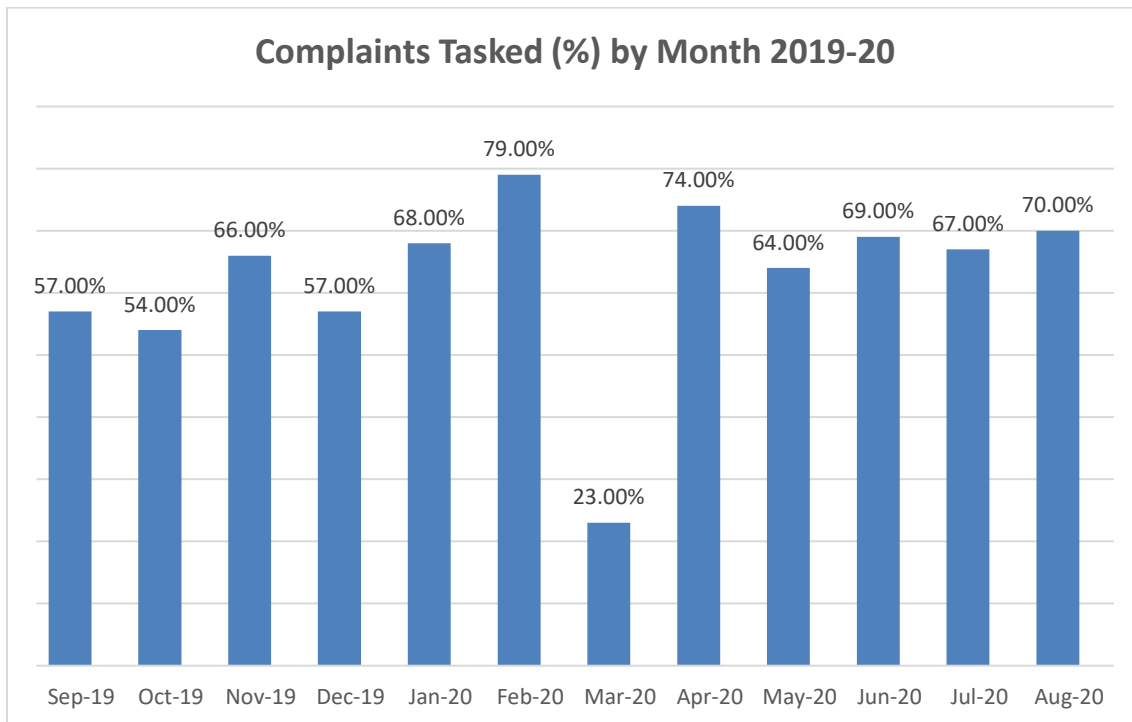
For comparison purposes, 1,093 (17%) passed and were scored in 2018-19:

Table 6



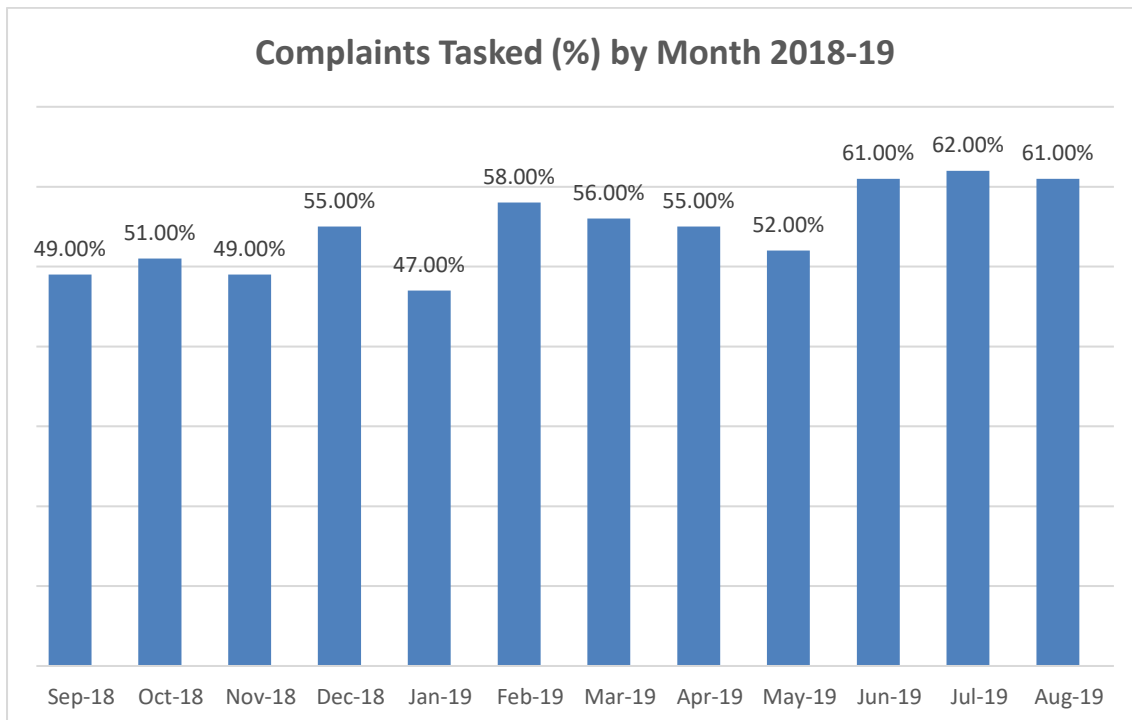
1,252 (67%) of scored complaints were tasked. The percentage of scored complaints tasked each month is shown below:

Table 7



For comparison purposes, 590 (54%) of scored complaints were tasked in 2018-19:

Table 8



Redacted copy of Trading Standards Internal Audit Report 2020/21

Summary and Overall Conclusions

Introduction

Trading Standards and Planning Services are responsible for the enforcement of legislation in a number of consumer protection and food safety areas. It also provides advice to businesses on consumer law, product and food safety.

The Business and Consumer Services team (part of Trading Standards) provide advice for businesses on areas such as products, adverts, and retail. Consumer advice is provided by the Citizens Advice service, on behalf of North Yorkshire County Council (NYCC). Any enforcement issues are passed from the Citizens Advice service for NYCC to perform. Annually there are approximately 6000 of these cases and each case must have an appropriate level of response. A Filter & Matrix system is in place to assist the decision making on the level of response.

Objectives and Scope of the Audit

The purpose of this audit was to provide assurance to management that procedures and controls within the system ensure that:

- The Filter & Matrix system was being used effectively (to assist the decision making on the appropriate level of response to consumer advice cases)

Key Findings

The Trading Standards Service (TSS) operate a Filter & Matrix system to assess, record and action all service requests and complaints received. A 16 step flowchart questionnaire is used to allocate the case into one of four categories ('tasked'; 'recorded'; 'educated'; or, 'referred'). Each case is also scored 1-10 on a range of fixed factors to provide a combined overall score. The higher the overall score indicates a higher level of intervention is required. We saw that the Filter & Matrix system is reviewed on an annual basis. The review in December 2019 resulted in

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'environmental impact' being introduced as factor that contributes towards the overall score for each case. Introducing the environmental impact reflects the corporate aim of the council.

We reviewed a sample of cases that covered all types of notifications received by the TSS. All cases reviewed were recorded correctly and had sufficient information stated on Flare case management system. Reviewing all cases is imperative as the categorisation (notification or referral) are not always stated correctly when received from the Citizens Advice Consumer Service. As both types of cases are still processed through the Filter & Matrix this allows for consistent scoring and appropriate resulting action.

Cases that have been identified for action after passing through the Filter & Matrix system are subject to fortnightly review meetings. This allows for the TSS to appropriately manage resources. Also to ensure an agreed, consistent and transparent approach to the response provided to all complaints and service requirements is adopted. From the sample of cases reviewed all were appropriately discussed and reviewed at the meetings. For 2 cases this resulted in them being re-scored, correcting the resulting action and level of intervention.

Overall Conclusions

A sound system of governance, risk management and control exists, with internal controls operating effectively and being consistently applied to support the achievement of objectives in the area audited.

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