

**8 March 2018****Agenda Item: 10****REPORT OF THE SERVICE DIRECTOR PLACE AND COMMUNITIES****CHANGES TO THE TRADING STANDARDS STAFFING STRUCTURE****Purpose of the Report**

1. To propose two minor changes to the Trading Standards staffing structure.

**Information**

2. The Trading Standards & Community Safety Service has two separate budgets, one relating to Trading Standards and one to Community Safety. These proposed structure changes relate to the Trading Standards staffing budget structure.
3. For a number of years the Service has employed a full time Accredited Financial Investigator (AFI) to undertake financial investigations and asset recovery work under the Proceeds of Crime Act (POCA). POCA legislation means that Trading Standards Authorities and other law enforcement agencies are able to get back a proportion of assets confiscated from criminals.
4. In April 2016, in recognition of the fact that demand for the AFI's work exceeded the capacity of one officer, the Community Safety Committee approved the recruitment of an additional permanent full time AFI within the Service.
5. The Accredited Financial Investigators have achieved significant success in recovering the proceeds of crime from individuals prosecuted for serious criminal offences, such as fraud and product counterfeiting, by both the Service and by the Trading Standards Regional Investigations Team (RIT), which is funded by the National Trading Standards board and hosted by Nottinghamshire Trading Standards.
6. The Service is also in a position to provide financial investigation support to other authorities in the region who lack access to a financial investigation capability, subject to AFI available capacity. The AFI's expertise is charged out to the Regional Investigation Team and other local authorities. This income generated from selling our AFI services contributes to the overall strategy within the Service to generate income to offset the costs of service delivery.
7. Over the last 18 months demand for the Accredited Financial Investigators' services has further increased demonstrating the need for further AFI capacity within the Service. The increased demand is mainly down to an increase in the Service's involvement in serious

Crown Court cases, where the court's expectation is that POCA matters will be pursued and also to a reduction in AFI capacity in other Trading Standards authorities in the region.

8. Under the national POCA incentivisation scheme 50% of confiscated funds are retained by the Home Office and used to fund crime fighting initiatives and then a proportion of the funds can be used at local level to compensate victims of the crimes and to support crime fighting services and community projects in the county and region.
9. Income into the Service/region from assets recovered under POCA by the Service's AFIs during 2015/16 was over £17,000; in 2016/17 it was over £23,000 and in 2017/18 it is expected to be in excess of £445,000. Compensation paid to victims within the county/region from this work was £25,000 in 2015/16; £183,000 in 2016/17 and to date is £40,000 in 2017/18.
10. Confiscations serve as a serious deterrent to criminals by taking the benefits from crime and ensuring that crime does not pay. In the large complex Operation Spinnaker case conducted by the Regional Investigations Team (RIT) the main defendant Jonathon Rivers was stripped of the £1.2m he illegally obtained through his criminal activity in running a publishing scam. In another recent RIT case, Operation Strut, the main man behind the operation Paul Hanna was ordered to pay £69,000 in compensation to victims who were fraudulently sold defective and dangerous vehicles.
11. This report proposes a temporary increase in AFI capacity to meet this additional demand, by the creation of a third temporary Band B Accredited Financial Investigator post within the Service for a fixed term period of 2 years. The situation would be reviewed at the end of that 2 year period.
12. The Service currently has one level 1/2 Trading Standards Officer post and three vacant level 3 Trading Standards Officer posts. Nationally there is a recognised shortage of qualified Trading Standards Officers within the profession. As a result the Service has struggled in the last year to recruit to all of the posts advertised in two recent external recruitment processes.
13. This report proposes using the funding from one of the vacant Band A level 3 Trading Standards Officer role to fund a 2 year fixed term contract Band B Accredited Financial Investigator role. The estimated additional annual cost (at top of scale with on costs) would be £6k.
14. Nationally the Trading Standards qualification framework is currently under review by the Chartered Trading Standards Institute and a new framework is due to be introduced in 2019. There is also a new Regulatory Compliance Officer (RCO) apprenticeship scheme being developed, which will serve as the entry point to the amended framework and a career in Trading Standards and is likely to commence later in 2018. This provides the opportunity to recruit to the vacant level 1/2 TSO under the RCO new apprenticeship scheme in the coming months.
15. The vacant level 1/2 TSO role was recently vacated by a 0.8FTE level 2 Trading Standards Officer retiring from the Service in December 2017. To make this vacancy more attractive to recruit to this report seeks approval to increase the level 1/2 TSO post from 0.8FTE to 1FTE. The estimated additional cost of this minor amendment to the staffing structure is £1.9k.

16. In the last two years three Trading Standards Officers have requested a reduction in their working hours to work 34 hours per week in a full time 37 hours per week role, to assist with family caring commitments. The total savings to the Service's staffing costs from these flexible working arrangements total £9.7k. The total net cost of £7.9k of the two proposed changes to the Trading Standards Structure are therefore offset by these savings and can be met from the Trading Standards staffing budget.

### **Other Options Considered**

17. The Home Office stipulate that Accredited Financial Investigators have to be employed in an authority and cannot be agency staff, so employing an agency AFI was not an option.

18. With regards to increasing the staffing establishment, consideration has been given to advertising the 0.8FTE post.

### **Reason/s for Recommendation/s**

19. The Service currently has insufficient accredited financial investigator capacity to meet the current and predicted demand on the Service for Proceeds of Crime work.

20. The Service is unlikely to be able to successfully recruit to a level 1 TSO role under the new Regulatory Compliance Officer apprenticeship scheme unless that role is increased to a full time 1 FTE post.

### **Statutory and Policy Implications**

21. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Crime and Disorder Implications**

22. The Service does make significant contributions to reducing crime and disorder and the proposed structure changes will improve the effective use of resources to tackle these issues.

### **Financial Implications**

23. The proposed changes can be met from within the Trading Standards Staffing budget as the additional cost of £7.9k for the proposals is offset by recent flexible working requests that have provided £9.7k savings on salary spends within the Trading Standards staffing budget.

### **Human Resources Implications**

24. To create a 2 year fixed term contract Band B Accredited Financial Investigator role, and to increase one level 1/2 TSO post from 0.8FTE to 1FTE. Funded through keeping a Band A level 3 Trading Standards Officer role vacant, and by utilising the savings from recent flexible working requests.

## **RECOMMENDATION/S**

- 1) It is recommended that the Committee approve the proposed changes to the Trading Standards staffing structure as set out in paragraphs 11 and 13.

**Derek Higton**  
**Service Director, Place and Communities**

**For any enquiries about this report please contact:**

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### **Constitutional Comments [SLB 19/02/18]**

25. Communities and Place Committee is the appropriate body to consider the content of this report.

### **Financial Comments [SES 06/02/18]**

26. The financial implications are set out in the report.

### **HR Comments [JP 08/02/18]**

27. The HR implications are contained in the body of the report. Recruitment to the posts will be in line with the Authority's relevant procedures.

### **Background Papers and Published Documents**

- None

### **Electoral Division(s) and Member(s) Affected**

- All