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Mike Coates
Programme Manager
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Dear Mike,

OFT-TSS programme for joint action

I refer to the above draft programme, and welcome the opportunity to respond on behalf of the Chief Officers' Society in Scotland.

SCOTSS is very appreciative of the commitment the OFT have shown in partnership working with trading standards services, and with Scottish local authorities in particular. We hope the aspirations within this programme will help strengthen the position of trading standards services within local government, and sustain an important protection for consumer as well as business interests.

I hope that you find our comments constructive and look forward to working with the OFT in taking these issues forward.

Yours sincerely

Ken Daly
Chairman

The Society of Chief Officers of Trading Standards in Scotland



A Section of the Trading Standards Institute

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OFT-TSS

Programme for joint action

General points:

- SCOTSS is concerned that the timescales in the programme are too short. The timescales and indeed the programme itself are extremely ambitious and while we agree that issues should be resolved as timeously as possible, they must also be given sufficient examination.
- SCOTSS believes that almost all of the projects within the programme are inextricably linked and the roles of key OFT senior staff will be crucial to its success. SCOTSS will support the programme in any way it can within our current resources.
- SCOTSS would highlight the work already done over the past ten years in improving the quality and consistency of trading standards services in Scotland. We would hope the OFT can build on that work and take the services provided by local government forward, for the ultimate benefit of Scottish consumers and businesses.

Project 1: Profile of the Trading Standards Service

SCOTSS welcomes the theme of this project, there is no doubt the service has suffered in many ways through a lack of political and regulatory profile. Much can be done by trading standards services themselves, but having a clear champion and partner in a high profile central organisation such as the OFT will be beneficial.

There are additional profile issues in Scotland in terms of the reserved nature of much of trading standards work, and the OFT's assistance in this area will be particularly helpful.

Key issues:

- SCOTSS would be pleased to assist in any production of a baseline picture of Trading Standards services in Scotland. Work completed by the society and by individual members is already available on issues such as the demographic profile of members, numbers of trainees, and changes following the introduction of Consumer Direct.
- Clearly we would wish that any baseline picture is gathered with the intention of raising the bar, and we would seek to guard against the output from such an exercise becoming a recognised minimum service standard.
- Much is already done by the Society working with partner organizations, for example membership of the Scottish Consumer Council Chairmen's Group, The Scottish Consumer Forum and the LACORS TS Policy Forum. We would encourage the OFT to build on the work already done by SCOTSS in raising profile. In addition there is an opportunity in the devolved context to create

considerable profile through engagement with COSLA. SCOTSS were involved in the production of a key COSLA report on 'Promoting Wellbeing through Regulatory Services' which was very much about raising the profile of the service in Scotland. We would encourage OFT to create and maintain strong links with COSLA and its members.

- We see Consumer Direct as key to the improving profile of trading standards services, and we would encourage the OFT to consider some sort of joint branding to ensure that the link between first and second tier advice is maintained, and also that the strong partnership approach essential to the success of CD is recognised.
- We would suggest the expansion of the stakeholder list for this profile to include for example:
 - Consumer representative bodies such as SCC, NCC, Scottish Consumer Forum
 - Business representative bodies such as FSB
 - EU agencies.

Project 2: A sustainable TSS

Perhaps the key theme, SCOTSS believes that Scottish trading standards services have experienced disabling changes in establishment and structure over the past ten years. Although FTE establishment may not have reduced significantly, the profile and make up of smaller local authorities' services has done little for recruitment, professional development, and the retention of experienced senior staff.

It is perhaps worth noting that the situation has worsened over the past six months with 20% of authorities in Scotland losing chief officers, without their posts being filled.

Key issues:

- SCOTSS would be pleased to assist in the collection of a picture of Trading Standards experience and qualifications in Scotland. Some of this work has already been done by the Society.
- SCOTSS would welcome any support the OFT could give in connection with recruitment and retention issues. It is absolutely key that we maintain establishment, and work to providing a 'right-size' service to meet the needs of local consumers and business. The Audit Scotland report "Made to Measure" published in October 2002 identified issues over "critical mass" of Trading Standards units, and the OFT should consider and build on this work together with the Society and COSLA.
- Qualifications and training is traditionally the domain of the Trading Standards Institute, and SCOTSS would urge the OFT to work closely with TSI in developing options to meet future needs. The qualifications framework is going through a

period of considerable change and OFT needs to approach this issue as quickly as possible.

- Traditionally there have been some difficulties with delivering training in Scotland due to differing legal systems for example. Many of these issues have been resolved with the help of TSI Scottish Branch, but it remains a key issue that OFT must recognise in developing options.
- SCOTSS is also keen to maintain and develop our role in delivering OFT training in Scotland, formalising this role through the Regional Coordinator would be welcomed.

Project 3: Scope and remit of TSS

Scope and remit is a fundamental issue and one that SCOTSS would wish to be fully explored. Especially where devolved matters are concerned there can be considerable variety in the duties discharged by trading standards services in different local authorities, and also differences between Scotland and the rest of the UK. OFT assistance in this area will be particularly helpful, and work done will have relevance in other areas, for example with the creation of a Local Better Regulation Office.

Key issues:

- What will constitute core and optimal functions for TSS has to be considered in relation to the priorities for each local authority. Ten local authorities in Scotland offer a comprehensive debt counselling service which benefits local agendas, and resonates with the OFT's remit for consumer credit. This is important in reaching vulnerable or hard to reach consumers especially given the development of an MOU with the FSA
- Differences in provision also apply to petroleum enforcement, animal health and Welfare, and between Scottish and the majority of English authorities in relation to Food Standards.
- SCOTSS believes that the 'championing' role of the OFT and the creation of LBRO provides an opportunity to explore new ways of building on the trading standards brand and professionalism. Although colleagues already work closely with other regulators including Environmental Health, FSA, and others, we feel it is important that professional identity is maintained.
- SCOTSS would encourage the OFT to engage with COSLA, LACORS, and the Improvement Service in Scotland, to help develop optimum structures within Scottish local government that will be capable of delivering the services needed by consumers and business.

- We would suggest the expansion of the stakeholder list for this profile to include for example:
 - COSLA
 - FSA

Project 4: Intelligence and Knowledge Management

SCOTSS was involved and supportive at every stage in the success of Consumer Direct Scotland, and we recognize the importance of CDS as a resource and partner for the future. However OFT does need a wider strategy moving forward to take account of local authority intelligence and data, if a full market picture is to be gained.

Key issues:

- SCOTSS notes the decision of the OFT to discontinue collection of complaint statistics from trading standards in favour of only those recorded by Consumer Direct. We feel this may miss data from vulnerable consumers more likely to turn to local authority advice provision.
- SCOTSS would draw attention to already developed policies in the intelligence area with MOUs agreed with NCIS, ACPOS and HMRC. There is also a SCOTSS protocol for intelligence sharing using the national intelligence model as its structure. We would be happy to share details of these initiatives.
- SCOTSS has noted the development of the eTSN project, and its initial application to England and Wales only. SCOTSS would encourage OFT to involve TSI in any discussion over rationalisation of databases.
- SCOTSS has collected a great deal of data following the Audit Scotland 'Made to Measure' report, through their 'Compare' package. We would be pleased to make this data available to OFT and work with the Office in keeping it up to date.
- Scotland has particular expertise in the Scottish Illegal Moneylending Unit which operates from Glasgow City Council. Glasgow will also host the Regional Intelligence officer for Scotland.
- Scotland will not benefit from a 'Scambuster' team funded by the DTI - we would seek an early indication of how Scottish consumers are to be offered the same protection from scams as the rest of the UK.
- We would suggest the expansion of the stakeholder list for this profile to include for example:
 - Consumer Direct contact centre representatives

Project 5: Consumer and Business Advice

Advice services are key to trading standards interface with consumers and business. SCOTSS welcomes the priority that the OFT has given to this area and we feel the Society can play an important role in identifying best practice and partnership working with the Office and with Consumer Direct.

Key issues:

- SCOTSS believes that trading standards services must be closely linked to Consumer Direct in national marketing and in management of the information that flows from CD.
- SCOTSS has created an Operational Liaison Group (CDOLG) to facilitate information sharing and improve relations between local authorities and Consumer Direct Scotland. A key output from this group is a protocol for referral of complaints from CDS and between authorities that helps maintain service standards.
- SCOTSS believes there is still a role for local authority provision of first tier advice; particularly to serve vulnerable consumers, and to take account of personal callers and correspondence. It is important that this role is maintained.
- SCOTSS believes that the provision of second tier advice by local authorities is key to the long-term success of our partnership with CD. Second tier advice must be quality assured and we would encourage the OFT to support the Quality Mark Scotland standard developed as an outcome of Consumer Support Networks in Scotland. Funding for QMS auditing has recently been withdrawn and we are keen to ensure that alternative arrangements are made. We are at a disadvantage in Scotland as funding for this aspect continues to be provided elsewhere in the UK.
- Closely related to the previous point, SCOTSS believes that the OFT should continue to support the CSN network. This is a key network in bringing local advice providers together and is especially useful in reaching more vulnerable sections of the community.
- SCOTSS agrees that business advice can be further developed, although the difficulties of engaging with small business should not be underestimated. SCOTSS has taken a lead in many initiatives for business advice in Scotland and would be pleased to help OFT in any way possible in this area. We have also been involved in business compliance workshops in Scotland and these may be helpful in showing the best way for better business engagement. The OFT should note that Scottish authorities have a statutory performance indicator in this area in respect of the efficiency in completing advice requests from business.

- There are examples in Scotland of innovative practice for regulation and enforcement which we believe can help shape future practice. SCOTSS would be happy to be involved in developing these.
- We would suggest the expansion of the stakeholder list for this profile to include for example:
 - Consumer Direct contact centre representatives
 - LACORS
 - COSLA

Project 6: Best Practice and Collaborative Working

In the current regulatory context there is no doubt this project will have some key outputs. Developing best practice and promoting collaborative working are aspirational themes that will require hard work and innovative thinking. However SCOTSS would caution that current methods of working have evolved over time, and many best practice examples are already being used in members' authorities.

Key issues:

- SCOTSS has been involved with COSLA, Scottish Executive, and others in looking at approaches to collaborative working in Scotland. We would encourage the OFT to engage with these stakeholders to help formulate a vision for the trading standards service in Scotland, for improved consistency and effectiveness.
- SCOTSS has seen great benefits in the appointment of an OFT representative in Scotland. We hope that this extremely beneficial liaison can be built upon over the next few years to ensure that OFT takes an integrated approach to Scottish issues. In fact SCOTSS believes that having an increased OFT presence in Scotland [and other regions] would do much to develop stronger links with the TS service and help ensure consistency.
- SCOTSS not only promotes collaborative working between authorities but also with external partners such as HMRC, Police, Vehicle Examiners and business and industry bodies. Examples of the latter include participation in the efforts to rid the construction industry of the 'cowboy builders' in partnership with the Plumbing Industry Licensing Board and the Construction Licensing Executive (the Scottish counterpart to Trustmark).
- SCOTSS would also suggest that the OFT ensures it has sufficient expertise in Scottish legal systems, which would prove invaluable, for example in Enterprise Act related work.
- SCOTSS encourages the OFT to work with LACORS on their Best Practice guide as it facilitates the EFQM Peer Review process developed with TSI and SOCTSO,

and funded by the DTI. Peer Review has the capacity to drive improvement and best practice, as well as facilitating data collection from local authorities.

- SCOTSS believes there is scope for improved partnership working between OFT and TSS for example in connection with enforcement under the consumer credit licensing regime.
- SCOTSS members have taken full advantage of DTI support packages over the past five or six years and we would encourage the OFT to make funding available, where appropriate, to support local adoption of best practice initiatives.
- We would suggest the expansion of the stakeholder list for this profile to include for example:
 - LACORS
 - COSLA

Project 7: Funding

It is a given that funding will be a key priority for the OFT in its role as a champion for trading standards services, and this has a key resonance for SCOTSS members who work in a devolved context. Many of the other projects in this programme may also succeed or fail on the basis of funding so it is important that the OFT commits appropriate resources to this action plan as well as more generally to its new trading standards sphere of operations.

Key issues:

- SCOTSS would highlight reserved/devolved issues - there is no mention of the devolved government in the key project issues, yet it is central to funding in Scotland.
- SCOTSS anticipates that considerable funding will be necessary to implement this action plan, and although we will give our full support, there may be financial difficulties, especially for Scottish authorities, in supporting members' involvement. We would encourage the OFT to facilitate SCOTSS involvement where possible, for example with meetings in Scotland.
- Although in general authorities do spend in excess of their grant funding allocation on consumer protection, it is not always successfully delivered to trading standards, especially where new duties are concerned. However we would not advocate for any ring fencing of funding as it would not likely bring about the structural changes needed to improve the service. We anticipate that the performance measurement central to LBRO may have some positive effect.
- A key issue for SCOTSS is the future of regional coordination. It is imperative that a Regional Coordinator role continues in Scotland, however discussions on funding by local authorities have in the past been unfruitful. If the post were

funded by the OFT it would secure a long term asset for the TS service and the OFT in Scotland as well as greater integration of effort.

- We would suggest the expansion of the stakeholder list for this profile to include for example:
 - Scottish Executive
 - COSLA
 - LACORS