
To: Scrutiny Co-ordinating Committee

Date: 22 January 2013

Subject: Public Safety – Pilot Risk Assessment to Manage Service Demand

1 Purpose of the Note

- 1.1 Regulatory Services receives over 6,000 complaints and incidents each year covering the areas of Trading Standards, Environmental Health, Environmental Protection and Licensing. With resources in the service area having reduced by 21% since 2010, it is no longer possible to respond to every issue. Service demand needs to be prioritised, intelligence led and supported by signposting or self-help mechanisms so that expectations can be properly managed in future.
- 1.2 The use of national systems of risk assessment to prioritise proactive work (i.e. inspections) is long established in Regulatory Services and used, for example, to determine the frequency and type of visit to businesses. Other than the Health and Safety Executive Incident Selection Criteria Guidance, there are no other recognised models to risk assess and prioritise reactive casework across the functions of Regulatory Services.
- 1.3 A risk assessment tool for reactive work was developed initially in the Trading Standards teams and it is now proposed to trial the model across all of Regulatory Services. After the trial, approval would be sought to use it in future to formally manage the level and types of response to reactive casework in all teams.
- 1.4 This note outlines the proposal for a trial of the draft model across Regulatory Services in areas where there is currently no recognised guidance. Where reactive work is determined as low risk or lower medium risk, then officers will identify how service demand could be met in other ways, such as through website information, standard guidance, referral or recording as intelligence only.

2 Recommendations

- 2.1 That Committee notes, a risk based analysis of reactive casework is to be trialled across Regulatory Services for two months.
- 2.2 That Committee supports a report back on the outcome of the trial and, based on the evidence, consider a proposal for future implementation of a wide risk based assessment of reactive casework in Regulatory Services.

3 Information/Background

- 3.1 In Regulatory Services there is national guidance regarding assessing risk at business premises during proactive visits (i.e. inspection risk ratings) but there is very little in relation to reactive casework, such as complaints and investigations.
- 3.2 The issue for the service area is managing the volume of workload, which remains the same or in some areas is actually increasing, at a time when resources are reducing. The difficulty comes in determining what will or won't be dealt with and managing expectations.
- 3.3 Risk assessment is key to the 'better regulation' agenda and plays a crucial part in all of its principles: accountability, transparency, proportionality, targeted and consistent.
- 3.4 The Better Regulation Delivery Office Regulators' Code 2013 states that regulators should base their regulatory activities on risk and allocate resources where they would be most effective in addressing those priorities.
- 3.5 In Coventry, Regulatory Services receives over 6,000 complaints each year against businesses and individuals. It is not realistic or effective for officers to attempt to undertake a full investigation into all of these complaints. The response therefore has to be focused on adopting a standard approach to risk assessment that will enable managers to prioritise resources and record the basis for these day to day decisions to ensure transparency.
- 3.6 To complement the risk assessment and prioritisation of reactive casework, it is important to note that Coventry Direct, Citizens Advice Consumer Service, the Council website and officers are able to offer sign-posting and self-help solutions to support customers who may need advice and guidance but their case will not be investigated further.
- 3.7 A simple process of day to day triage can be used to manage resources for reactive casework, which varies in urgency, potential harm, the quality of the evidence and the complexity of response required. However this lacks a framework which would help to ensure transparency and consistent levels of response.
- 3.8 A common risk assessment framework for regulators was explored in a report by the LBRO (now BRDO) in December 2011. However this did not extend beyond proactive inspection work and they were not aware of any examination of a risk model for reactive casework.
- 3.9 Over the last 2 years or so, the service has been developing a risk matrix that has been tested for viability in Trading Standards already. The tool rates the impact on the individual or the community against a number of attributes. For example;
 - Has an individual suffered any injury or impact on their health from product?
 - Have they suffered stress from a rogue trader?
 - How much money have they lost?
 - Are they vulnerable or can they resolve the matter themselves?
 - How many other people may have been affected by the reported incident?
- 3.10 The tool also considers the likelihood of compliance and so considers;
 - Is this a new or established business?
 - Do they understand the regulatory environment and attempt to comply?
 - Are they acting recklessly or dishonestly?
 - Has there been previous enforcement action?
- 3.11 All these factors are graded, combined and an overall rating assigned in bands (high, upper medium, lower medium and low risk).

3.12 An overview of the full risk assessment is given below.

Outline	A - Impact					B- Likelihood of Compliance		
RISK RATING	Health / physical impact	Emotional	Financial	Vulnerability	Number affected	Management Competence	Complaint history	Compliance on inspection
Low	None	Minimal stress	<£100	Resolve on own	One off	Good control	None	Full Compliance
Lower Medium	Minor	Stress noted	£100 - £500	Assistance needed	Limited / some	Unknown/ complaints may continue	New or previous	New or mainly compliant
Upper Medium	Harmful	On-going stress	>£500 - 2000	Unable to resolve	Large number	No effort to resolve	Similar complaints	Partial
High	High Risk	Prolonged stress/ anxiety	>£2000	Taken advantage of	Wide scale	Reckless /deliberate	Enforcement Action	Non-compliant

3.13 The risk assessment can be used by team managers to consider what level of intervention is appropriate. In the more serious cases, this can be a rapid response to a rogue trader incident or a full investigation in to alleged breaches of Trading Standards Law. In less serious cases, it may be suitable for business advice, customer advice from the Citizens Advice Consumer Service, or recording as intelligence. If further information is received then the risk assessment would be reviewed and the level of intervention reconsidered.

3.14 The tool has now been developed further so that other teams in Regulatory Services can use it. It is hoped that this could be a standard measure to determine the risk associated with reactive casework. The proposal is for it to be used by all 7 regulatory teams with a two month trial commencing in January 2014.

3.15 The trial will examine how the risk assessment tool works in practice and show what, if any, improvements might be needed. Managers can then plan their team’s response to lower risk work, as well as how customer expectations are managed. It is expected that further self-help solutions would have to be developed.

3.16 Some examples of lower risk work are given in the appendix. Lower risk complaints would not trigger further investigation. Members of the public would either be provided with guidance and self-help on how to manage the problem themselves and/or the matter would be recorded for information only. As the risk model being devised uses a scoring system, it is possible to adjust levels of response according to a specific threshold or risk band, which in turn can be matched to the officer resources available.

3.17 As well as use of the risk tool to manage individual decisions, it is worth noting that the Regulatory Services Management Team already monitors intelligence data to inform the service enforcement priorities. A monthly management review of business premises generating the majority of problems is undertaken. This is to ensure that teams understand each other’s current activity and where there may be any overlaps or gaps in resource allocation. Also, current trends are reviewed so that this can be used to inform the allocation of resources. For example, consumer complaint trends and issues at licensed premises.

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Appendix – Examples of potentially low risk complaints and how they can be handled

Environmental Protection

Some examples where the team might send the complainant an information leaflet, diary sheet, refer to the website, refer the complainant to the correct authority or give verbal advice;

- Nuisance complaints where nuisance has not been witnessed by officers, the complaint is new and from one resident only
- Enquiries about what type of wood burning stove or fuel residents need to buy in a smoke control area
- Complaints where we are not the enforcing authority such as water pollution (refer to Environment Agency), invasive weeds (police or landowner), smoky lorries (VOSA)
- Complaints about 'one off' events such as a bonfire on bonfire night, noise from concerts at Ricoh Arena and Godiva events in the city centre, where the impact is very time limited.

Trading Standards

Initial enquiries are handled by Citizens Advice Consumer Service (CAcs) who give basic consumer advice and record the information on their database. Enquiries involving a potential breach of law are referred to Trading Standards. Examples of low risk cases are as follows;

- Consumer complains about a misleading price ticket in a shop where there is no history of non-compliance and the premises risk rating is low. It is likely to be a 'one off' error.
- Consumer reports a petrol pump price display clicks on by 1p when the nozzle is put back. The premises history would be checked. If satisfactory, advice to the consumer would be given rather than testing the pump. If there are further complaints of a more severe nature then the risk rating may increase and a visit become necessary.
- Consumer has fallen for a scam air ticket website. They have no details other than a now defunct website. The consumer paid via bank transfer so unlikely they will get any redress. CAcs have given advice. Matter can be recorded and referred to the Trading Standards e-crime unit but very unlikely any local investigation will be successful.

Environmental Health - Food and Health & Safety

Food Poisoning

Campylobacter is the most common cause of food poisoning in the UK. It is considered to be responsible for around 460,000 cases of food poisoning, 22,000 hospitalisations and 110 deaths each year and most of these cases come from poultry. Campylobacter can also be found in red meat, unpasteurised milk and untreated water.

The organism is essentially ubiquitous, and the solution is to correctly cook raw meat and prevent cross contamination (usually in the home). Officers therefore merely send out advice leaflets, with a request to contact us with any issues.

Risk Assessment confirms this approach and we would be looking to further signpost rather than ask individuals to contact us directly for further advice.

The potential risk with this approach is that we may miss two or more related cases, where there is an association with a commercial food premises.

Large Chain Food Complaints

Complaints concerning foreign bodies (including insects) contained in packaged food purchased from major Supermarkets are often upsetting to the consumer. Several of these have received newspaper coverage.

However the risk of harm is low, not least because management/audit systems in place at larger supermarkets are good.

Currently the food team carry out preliminary investigations when appropriate, identifying the foreign body and possible issues.

However with a low risk rating and unlikely progression to formal action, all such cases could be dealt with by signposting and advice.

The potential risk with this approach is managing media and consumer expectations.

Hotel Conditions

Complaints concerning poor conditions in selected Hotels in the City are frequent. Customers are upset about cleanliness, leaks, mould, unwashed bedding, gym cleanliness and a range of issues not directly connected to any regulatory enforcement powers.

Any risk assessment on regulatory enforcement issues will score low and point us to no longer having any direct involvement in such cases unless there are several complaints.

However, the risk is that such matters invariably indicate poor management. Subsequent investigation typically reveals other enforcement issues which can be resolved, often as a package including the original complaint issues. This would be missed.

Another often made point is that such hotels are the focus of anyone visiting the City and give a poor impression. Any lack of response to such complaints would possibly enhance this view.

Licensing

Complaints may need to be referred to other teams or joint visits undertaken to investigate issues raised about noise, underage sales or to monitor licensing conditions. A better understanding of the risk rating of licensing complaints and enquiries needs to be developed before decisions on what would or would not be dealt with can be made.