

dti

**NATIONAL
PERFORMANCE
FRAMEWORK FOR
TRADING STANDARDS**

**CONSULTATION ON
PERFORMANCE
MEASURES FOR
TRADING STANDARDS
2004/2005**

NO: CCP 011//03

SEPTEMBER 2003

dti

The DTI drives our ambition of 'prosperity for all' by working to create the best environment for business success in the UK. We help people and companies become more productive by promoting enterprise, innovation and creativity.

We champion UK business at home and abroad. We invest heavily in world-class science and technology. We protect the rights of working people and consumers. And we stand up for fair and open markets in the UK, Europe and the world.

1. CONSULTATION ON PERFORMANCE MEASURES FOR TRADING STANDARDS

2004/2005

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1.INTRODUCTION

Purpose of the Consultation

- 1.1 This consultation is aimed at Local Authority Trading Standards services. It seeks views on proposals to develop the National Performance Framework for Trading Standards services for 2004/2005.
- 1.2 The National Performance Framework was introduced in April 2002 and set priorities and performance standards for a modern trading standards service along with guidance on drawing up a Service Delivery Plan and providing an annual information return to central Government. The framework was developed to ensure that Trading Standards provide a more coherent and consistent approach to enforcement and service delivery.
- 1.3 The Framework was developed further in 2003 and performance measures and supporting contextual information were introduced in June 2003 following consultation with the service. As the measures were introduced well into the financial year to which the measures relate, the first year has been treated as a pilot year. Comments and feedback were sought on how the measures could be improved.
- 1.4 This document sets out proposals and seeks views for the performance measures for 2004/2005.
- 1.5 In producing this consultation document DTI has worked closely with the Steering Group, LACORS, TSI and Trading Standards authorities.

Issued	29th September 2003
Respond by	22nd December 2003
Enquiries to	David Martin David.Martin@dti.gsi.gov.uk Telephone 02072156469

2. EXECUTIVE SUMMARY

2.1 Since the Performance Measures were introduced in June 2003 we have received useful feedback from individual Trading Standards authorities and regional groups on how they can be improved. Key issues that came from the feedback were:

- There was general support for the use of survey questions as a measure of performance. Authorities asked for the opportunity to comment on suggested questions and methodology.
- More clarification was requested on definitions and certain areas of the guidance.
- There were a number of questions as to why particular information was requested in respect of Performance Measure 3: A Fair and Safe Trading Environment.
- There was support for a measure on training although this would need to be revised once the Trading Standards Institute's scheme of continuing professional development is produced.

2.2 When the performance measures were introduced in June 2003, the standard survey questions and methodology had not been developed. DTI is working with the Office of Deputy Prime Minister to develop robust questions that are suitable for possible inclusion in a Best Value survey in 2004/2005 for English authorities. More work is needed on these questions and therefore they are not available for this consultation. The questions included in this consultation are taken from the Community Legal Services Quality Mark questionnaire, which are commonly used by authorities. They give an idea as to those areas we would wish to measure. Specific questions have been asked as to their suitability and the methodology. Comments received will feed into the development of the more robust questions for the Best Value exercise.

2.3 To reduce the burden on the smaller authorities, we propose that for 2004/2005, authorities are only asked to submit a summary plan to the monitoring unit.

2.4 Key questions are included throughout the consultation and again in the response form, which is situated at the end of the consultation document.

3. PERFORMANCE MEASURES

Performance Measures For Customer Satisfaction

Development of Survey Questions

The DTI in together with the Office of the Deputy Prime Minister is developing a set of standard survey questions, which departments can use as part of their own satisfaction surveys. These will measure the access to the service and quality of service for businesses and consumers. In England, these are tailored to fit in with the requirements of Best Value. The aim is to produce a set a questions that most accurately measure performance of the service from the perspective of its clients i.e. both business and consumers. A draft set of questions has been produced for this consultation, in order that stakeholders can participate in the ongoing development process.

Performance Measure 1: Informed Confident Consumers

1. How satisfied were you with our overall level of service?

Very Satisfied / Fairly Satisfied / Fairly dissatisfied/ Very dissatisfied/ Don't know

2. Did we give you information/advice that was easy to understand?

Very easy/Fairly easy/ Fairly Difficult/Very difficult/Don't know

3. How informative did you find our staff?

Very Good/ Fairly good/Fairly Poor/Very poor/Don't Know

4. Did we treat you fairly at all times?

Yes/No/ Don't know

5. How easy was it to make initial (your first) contact with us?

Very easy/Fairly easy/ Fairly difficult/ Very difficult

Performance Measure 2: Informed Successful Business

1. How satisfied were you with our overall level of service?

Very Satisfied / Fairly Satisfied / Fairly dissatisfied/ Very dissatisfied/ Don't know

2. Did we give you information/advice that was easy to understand?

Very easy/Fairly easy/ Fairly Difficult/Very difficult/Don't know

3. How informative did you find our staff?

Very Good/ Fairly good/Fairly Poor/Very poor/Don't Know

4. Did we treat you fairly at all times?

Yes/No/ Don't know

5 . Were our officers courteous and polite at all times

Yes/No/ Don't know

6. How easy was it to make initial contact with us ?

Very easy/ Fairly Easy/Fairly Difficult/Very Difficult

7. Were you informed about our complaints procedure?

Yes/No

8. If we said that your business was not meeting its legal requirements:

(a) Did we make it clear to you what you needed to do to meet the legal requirements?

Yes/No/Don't know

(b) Was our response to this problem fair/reasonable?

Yes/No/ Don't know

**9. If we have been in touch with your business on more than one occasion:
Have you been treated consistently on different occasions?**

Yes/No/Don't know

Key Questions

These are also listed at the back of this consultation. Numbering follows that in the Consultation Response Form.

2A. Are these the type of questions that should be asked?

2B. Are there any other questions that should be asked?

2C. Do the business questions ask the right things to measure compliance with the Enforcement Concordat?

Performance Measure 3: Fair & Safe Trading Environment

This intends to measure the compliance and effectiveness of enforcement activity. The measure is a combination of:

- % of business contacted within the year (high risk category only)
- % improvement in the level of business compliance
- % of total business contacted which were found to be compliant.

While the table is split into two different areas, inspection and other enforcement activity, we are proposing to measure performance by combining the results from the two tables.

3.1 Compliance Tables

(a) Inspection

Risk Level	No of Businesses assessed as being high risk (a)	No of businesses inspected within year (b)	No of businesses found to be compliant on first inspection (c)	No of businesses brought to a state of compliance by the end of the year (d)	Total number of businesses compliant (c + d)
High					
Medium					
Low					

(b) Other Enforcement Activities

Risk Level	No of Businesses assessed as being high risk (a)	No of businesses contacted within year (b)	No of businesses found to be compliant on first contact (c)	No of businesses brought to a state of compliance by the end of the year (d)	Total number of businesses compliant (c + d)
High					
Medium					
Low					

Key Questions

These are also listed at the back of this consultation. Numbering follows that in the Consultation Response Document.

- 3A. Should we be measuring the % of business inspected (or otherwise contacted) for both high and medium risk related businesses?
- 3B. Should we have separate tables, one for inspections and one for other enforcement activity, or should they be combined into one table?
- 3C. Should the measure be business compliance as a % of all businesses in the area, or just those contacted?

Performance Measure 4: Efficient, Effective, and Improving Trading Standards Service

For Staff employed directly on service provision

Percentage of staff who undertook some TS professional development in the last year	
Average number of hours of training per officer on professional development	

For all staff

Percentage of staff who undertook other skills training in the last year	
Average number of hours per officer spent on other skills training	

CONTEXTUAL INFORMATION RETURN (IR)

Name Of Authority	
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1. Consumer contact

1.1 No. of consumer led advice enquiries and complaints	
1.2 No. of educational opportunities offered to consumer groups	
1.3 Is your authority a 'Pathfinder Authority' for Consumer Direct ?	Yes/No

2. Business contact

2.1 No. of Businesses registered for business rates	
2.2 No. of Businesses registered on your database	
2.3 No. of requests for advice from business	
2.4 No. of requests for advice from Home Authority	
2.5 No. of referrals made to Home Authority	
2.6 Risk Assessment: assessment of risk a business poses to consumers and competitors to determine frequency of inspection visits and appropriate enforcement activity	
No. of High	
No. of Medium	
No. of Low	

3. Fair and Safe Trading Environment

3.1 Formal Enforcement Action 2004/2005 resulting from all investigations relating to your core responsibilities

No. of letters of informal caution and advice issued	
No. of formal cautions issued	
No. of formal undertakings received under Stop Now Order procedure	
No. of Stop Now Orders issued	
No. of prosecutions commenced in period	

3.2 Measuring Compliance with Fair Trading and Safety

Categories		Number of Inspections or other enforcement activities carried out within the year for each category where non compliance was noted.
Fair Trading	Trade Descriptions	
	Pricing	
	Credit	
	Other	
Total		
Safety	Product Safety	
	Underage sales	
	Other	
Total		

3.3 Measuring Compliance of Weighing and Measuring Equipment

Category of equipment*	Actual or estimated no. of pieces of equipment	No. of individual pieces of equipment inspected	No. of pieces of equipment found incorrect <i>and</i> 28 day notice issued	No. of pieces of equipment found incorrect <i>and</i> verification mark removed	No. of pieces of equipment related to prosecutions or cautions
A					
B					
C					
D					
E					
F					
G					
H					
Other					

* The category is represented by each letter code is defined by in the guidance.

The table lists categories of equipment:

- A Liquid fuel measuring instruments
- B Weighbridges and scales over 5000kg
- C Non-automatic weighing machines $\leq 30\text{kg}$
- D Non automatic weighing machines $> 30\text{kg} \leq 5000\text{kg}$
- E. Automatic weighing machines all types
- F. Weights
- G. Length measures
- F. Intoxicating Liquor Measuring Instruments

Other : List on return only if 1 or more failed: other categories may include: water meters, liquid petroleum gas meters, bulk fuel meters, sand and ballast measures, simple capacity vessels etc. There may be some aspect of double counting as some equipment that is initially subject to a 28 day notice may later have the verification mark removed. The numbers concerned will not affect the national picture.

3.4 Measuring Metrological Compliance in Transactions

Type of Business	No. of businesses liable to inspection	No. of businesses visited	Total no. of businesses compliant
Packaging Plants			
Importers of packaged goods			
Business selling bulk products by weight/volume			
Retail Outlets			

Key Question Concerning All 'Contextual Information'

These are also listed at the back of this consultation. Numbering follows that in the Consultation Response Form.

4. In this proposal, we have removed some of the information from the current contextual information return. Should we also remove items 1.1-2.5,3.1,3.3 and 3.4?

4.GUIDANCE

PERFORMANCE MEASURES

MEASURES 1 AND 2

MEASURING CUSTOMER SATISFACTION

The DTI in consultation with the Office of the Deputy Prime Minister are developing a set of questions to provide an accurate measure of customer satisfaction with Trading Standards Services. The questions reproduced provide stakeholders with an opportunity to input into an ongoing process of development. They are taken from the Community Legal Services Quality Mark questionnaire, which many local authorities already use.

In conducting a survey, it is proposed a random sample of at least 100 consumers or businesses that contacted the Service through the year would be used. These would be contacts recorded on office systems.

PERFORMANCE MEASURE 1: INFORMED CONFIDENT CONSUMER

Questions 1 to 4 measure the quality of service provided. This fits in with NPF standard 12h: Measuring use and effectiveness, advice and information services.

Question 5 measures how the consumer is able to access the service and will bring up issues such as telephone cover, disabled access and availability of translation. Authorities have experience of providing service to such groups and will no doubt bear this in mind when surveying. The Authority could include reference to www.consumercomplaints.org.uk or the Consumer Gateway at www.consumer.gov.uk Authorities are not required to devise separate websites. Research has shown people with disability found Internet and other help lines particularly useful. The Authority may decide to include questions about special needs in addition to those provided, although they do not form part of measured criteria. This mostly fits in with NPF standard: 12g: Improved accessibility and availability of the service to local consumers including action to identify gaps in the service and reach non-users.

PERFORMANCE MEASURE 2 INFORMED SUCCESSFUL BUSINESS

Question 1 to 5 and 7 to 9 measure the quality of service provided to business. This fits in with NPF standard 13h: Measuring the use and effectiveness of education, advice and information services.

Question 6 measures the initial accessibility of the service. This mostly fits in with NPF standard: 13g: Improved accessibility and availability of the service to local business including action to identify gaps in the service and reach non-users.

In addition questions 7-9 also seek to see whether the service is complying with the principles of good enforcement as set out in the enforcement concordat.

The survey questions are aimed at those businesses that have contacted the service for an enquiry, complaint, advice request, request for a talk on their rights and obligations under the Consumer Protection legislation or had a routine inspection.

Advice to business can include information and/or advice given at the time of routine inspection. It can also include advice given when a business contacts the service with an enquiry or a complaint. This means that the service will explain what consumer protection legislation applies to their business, what actions are required to comply and provide any relevant information to assist them to comply.

PERFORMANCE MEASURE 3 : FAIR AND SAFE TRADING ENVIRONMENT

Aim of Measure

This is intended to measure compliance and effectiveness of enforcement activity. This fits in with the NPF standards 14c and 14h. Definitions of high, medium and low risk can be found in LACORS guidance on risk assessment introduced in February 2003.

In both cases only one visit to a business should be counted in each year. Subsequent visits do not count. A business that is recorded in one table must not be recorded in another. Only the first visit should be recorded in the appropriate table.

Compliance Tables

(a) Inspection

Data should be collected from routine inspection of premises, except in circumstances outlined in (b) below.

(b) Other Enforcement Activity

The data collected for table (b) should include all your other enforcement activity. Include complaint visits and contacts and contact resulting from requests for advice from businesses, and new business inspections, where activity involved checking compliance with all the major risks associated with the business.

Definitions

'Business' is defined as an individual or organisation acting in the course of business or profession. Where two or more businesses operate from the same address, count each business individually, even though they are co-located.

'Inspection' is defined as a planned programme of activity to determine business compliance. This would be planned activity by an authority, usually based on risk evaluation. Surveys such as those focusing on, for example, underage sales should be excluded, but would fall within the definition of a business contact within table (b).

'High Risk', 'Medium Risk' and Low Risk'; definitions can be found LACORS 'Guidance on Risk Assessment' introduced in February 2003.

'Business Contact' (as used in table 3(b)) is contact other than by planned inspection. This will be as a result of other enforcement activities such as:

- Test purchasing and/or sampling
- Project work where a specific hazard is investigated, e.g. for example a project on car mileages at garages where businesses are selected by random or by previous history.
- Evaluation of information by businesses where there is no 'premises' e.g. Internet businesses
- Other actions that encourage compliance and reduce risk of detriment to consumers.

No. of businesses found to be compliant on first visit or during 'other enforcement activity'

Major/Minor Infringements

A business is not compliant on the first visit where a 'major infringement' occurs:

"A major infringement is where a visit or 'other enforcement activity' results in either:-

the discovery of a matter that poses such a risk of serious or irreversible damage to the safety or economic interests of consumers or other businesses that it requires immediate corrective action

or

the issue of a written warning/caution/suspension or prohibition notice/infringement report

and in either instance requires follow up action to determine whether appropriate action to correct the infringement has taken place or further enforcement action is required"

If there is no infringement as defined above the business is considered as compliant for the purposes of table 3(a) and (b).

A 'minor infringement' is where there is a minor breach of legislation not falling within the definition of a major infringement above. Such a breach will not be recorded on either table 3(a) or (b) as the business is considered 'compliant'.

Calculation of Measure of Compliance

This intends to measure the compliance and effectiveness of enforcement activity. The measure is a combination of:

- % Of business contacted within the year (high risk category only)
- % Improvement in the level of business compliance
- % of total business contacted which were found to be compliant.

By completing the tables as set out under PM3 the percentages can be calculated as follows:

% of business contacted within the year (high risk category only)

$$\frac{b \times 100}{a}$$

% improvement in the level of business compliance

$$\frac{d \times 100}{b-c}$$

% of total business found to be compliant

$$\frac{(c+d) \times 100}{b}$$

For the purpose of comparison between authorities, the results of tables (a) and (b) will be combined.

PERFORMANCE MEASURE 4 : EFFICIENT, EFFECTIVE AND IMPROVING TRADING STANDARDS SERVICE

Aim of Measure

This fits in with NPF Standard 15e: Developing and training staff to ensure that they have the skills required to deliver the service

For Staff directly involved in delivering the Trading Standards Service

Percentage of staff who undertook some TS professional development in the last year	Count recognised courses that would be similar wherever taken e.g. DCA, DTS, distance learning, in-house and TSI branches directly relating to TS functions.
Average number of hours of training per officer on professional development	Give figure for all staff attending qualification or profession related training as above. Calculation: total number of hours of training divided by number of staff eligible whether participating or not.

Staff directly involved in delivering the Trading Standards service should include all members who are Trading Standard Officers, Enforcement Staff, Consumer Advisors and Technical Assistants (as outlined in the Chartered Institute of Public Finance (CIPFA) return. This is to determine the level of training relating to service delivery.

For All Staff Involved in Service Provision

Percentage of staff who undertook other skills training in the last year	For example IT training or LA management training and other training not counted above. This is intended only as an indicator of the proportion of staff who undertook some skills or developmental training.
Average number of hours per officer spent on other skills training	Give a figure for all staff attending skills training. Calculation: total number of hours of training divided by number of staff eligible, whether participating or not.

For 'All staff involved in Service Provision' include Trading Standards Managers, administrative, clerical and secretarial staff as well as the staff outlined above as directly involved in delivery of the service.

The Trading Standards Institute is developing a Continuing Professional and Personal Development (CPPD) scheme to be introduced in April 2004. It is our intention to amend this measure to become more outcome focused once the CPPD scheme has become established.

It is accepted that not all authorities have IIP accreditation, especially small authorities due to resource implications. IIP accreditation is not essential for this measure, as authorities may have developed their own training schemes, which work equally effectively. The data for this measure should be derived from the services training records and/or staff records.

CONTEXTUAL INFORMATION RETURN

1.Consumer contact

1.1 No. of consumer led advice enquiries and complaints	<p><u>Consumer</u>: Can include businesses where they are acting as consumers.</p> <p><u>Enquiry</u>: request for advice or information that is not a complaint, from an individual, household or a trader acting as a consumer, or from consumer groups and other organisations acting for consumers.</p> <p><u>Complaint</u>: where consumer rightly or wrongly considers goods, services or property are faulty or wrongly described; goods, services or property are subject to conditions imposed by the supplier which appear to the consumer to be unreasonable; the supplier has adopted an attitude, engaged in a trading practice, which the consumer regards as detrimental.</p>
1.2 No. of educational opportunities offered to consumer groups	<p>This is intended to measure how much proactive targeted educational work is being undertaken. Consumer education will be tailored to particular needs of groups of consumers in the community as identified in the Service Delivery Plan. An educational opportunity might be a talk, workshop or advice giving session on a particular theme or need in the community, for example to a neighbourhood watch group.</p> <p><u>Do not count</u> "inert" approaches to educate consumers, for example local media drives, promotion of website advice or leaflets and self help packs. These types of activity could form part of the planned enforcement activities measured in section 3 of this return. In some cases it may be difficult to decide whether an activity is a targeted educational opportunity or part of the enforcement programme. In these cases, look back to your Service Delivery Plan to see where it was included. Whatever outcome you decide, be careful not to count the same activity here and in 3</p>

2. Business contact

2.1 No. of businesses registered for business rates	This brings consistency to statistics between authorities. Give the most recent figures.
2.2 No. of requests for advice from business	Count here all requests for advice, assistance, information and, for services such as licensing, include all business enquiries. Exclude verification requests.
2.3 No. of requests for advice from Home Authority businesses	This figure will be included in 2.2 (above) but should also be shown here separately.
2.4 No. of referrals made to Home Authority	Count all the referrals made to your authority in relation to your Home Authority businesses whether or not you have a formal or informal arrangement with that business.
2.5 Risk Assessment:	Follow LACORS guidance on risk assessment (issued February 2003). Give figures from your database for year end for the number of businesses based, or with physical premises, in your local authority area. This can include internet sites where the supplier is based in your area, stalls and other mobile traders as well as fixed premises.

3.1 Formal Enforcement Action 2004/2005 resulting from all sources of investigation

No. of letters of informal caution and advice issued	<p><u>Informal caution</u>: includes written warnings to traders that future non-compliance could result in formal enforcement action.</p> <p><u>Advice issued</u>: includes providing the trader with written advice on issues of non-compliance identified together with actions required to remedy the problem(s).</p> <p><u>Formal Caution</u>: cautions issued following Home Office guidance.</p> <p><u>Prosecutions commenced</u>: This is where authority lay informations. A single case may involve a number of informations or indictments, but offences under separate statutes are regarded as separate cases, as are proceedings against separate defendants.</p>
No. of formal cautions issued	
No. of formal undertakings received under Stop Now Order procedure	
No. of Stop Now Orders issued	
No. of prosecutions commenced in period	

Fair Trading, Safety and Metrology

The data should be collected irrespective of risk assessment.

A definitive list of the relevant acts of parliament is available on the Trading Standards Institute website at

<http://www.tradingstandards.gov.uk/legislation/index.htm>

3.2 Measuring Compliance with Fair Trading and Safety

Give the total number of inspections or other enforcement activities carried out within the year where non-compliance was noted in each category. You may count multiple inspections. Therefore any contact with the business where non compliance was noted should be recorded. Record major infringements only as defined in Performance Measure 3 above.

3.3 Measuring Compliance of Weighing and Measuring Equipment

This measures the inspection of weighing and measuring equipment and it's accuracy.

3.4 Measuring metrological compliance in transactions

This information is requested to establish inspection levels, in addition to the accuracy of the weighing equipment.

Businesses Inspected

Definitions

Businesses- apply the same definition as outlined in the business compliance measure. Include businesses where they operate from a vehicle, but not when the vehicle is merely delivering goods which have been ordered, even if payment is made on delivery. Coal hawkers, paraffin vendors and mobile shops, which regularly operate within an authority's area will count as individual businesses.

Types of Business

Packaging Plants – include here large packers, small packers and other premises previously considered under this heading for completing S70 returns

Importers of packaged goods – for example a wine importer

Business selling bulk products by weight/volume include hardware stores and large DIY stores

Retail outlets – include supermarkets

Number of businesses visited in the period –

Count the number of businesses, which received at least one inspection visit during the period.

5. NOTE ON SERVICE DELIVERY PLANS

Service delivery Plans

From feedback we know that many of the smaller authorities have found it difficult to devote sufficient resources to producing a full Service Delivery Plan. We therefore propose for 2004/2005 that authorities produce a full plan for their own operational purposes but only submit a summary Service Delivery Plan to the monitoring unit. A simple word template will be made available by the beginning of 2004 for authorities to use, if they wish, to submit their plan.

6. HOW TO RESPOND

How to Respond

Please send hardcopies of the response form to:

David Martin,
Department of Trade and Industry,
Bay 664, 1 Victoria Street,
London
SW1H 0AH

Alternatively respond electronically to:

David.Martin@dti.gsi.gov.uk

Or

Sharon.Coe@dti.gsi.gov.uk

7. ADDITIONAL COPIES

Additional Copies

Hard Copies are available from David Kefford telephone 02072156096 or e-mail David.Kefford@dti.gsi.gov.uk

The web address for an electronic version
<http://www.dti.gov.uk/ccp/consultations.htm>

8. PLANS FOR MAKING RESULTS PUBLIC

We aim to let you know the outcome of this consultation by January 2004.

Your response to this consultation document may be made publicly available in whole or in part at the Departments discretion. If you do not wish all or part of your response (including your identity) to be made public, you must state in the response which parts you wish us to keep confidential. Where confidentiality is not requested, responses may be made available to any enquirer, including enquirers outside the UK, or published by any means including the Internet.