

## BRIGHTON & HOVE CITY COUNCIL

### JOB DESCRIPTION QUESTIONNAIRE

<b>Job Title:</b>	Fair Trading Officer /Senior Fair Trading Officer
<b>Reports to:</b>	Principal Trading Standards Officer/Trading Standards Manager
<b>Department:</b>	Regulatory Services
<b>Section:</b>	Trading Standards

#### 1. Purpose of the Job

*(Give in one or two sentences the basic reason why the job exists.)*

To undertake a range of Trading Standards duties to secure a fair and safe trading environment, in addition Senior Fair Trading Officers will enforce legislation relating to Food and Feed. This is achieved through advice, investigation of complaints, education and enforcement of statutory criminal and civil provisions to ensure that the public are not put at risk from the sale and/or use of unsafe or dangerous products and to ensure their economic wellbeing is maintained by protecting them from illegal or unfair trading practices.

#### 2. Principal Accountabilities – Fair Trading Officer

1. To ensure compliance with fair trading and safety standards legislation by undertaking inspections and projects including research, risk assessment, provision of advice and intervention and commencement of formal action, where appropriate.
2. To investigate and take appropriate action with regard to complaints and intelligence to ensure legal standards are being met and legislation is being complied with to ensure that there is a fair and safe trading environment. Such action to include, advice, intervention and mediation, the commencement of formal criminal and civil action, issue of formal notices of non-conformance for both criminal and civil matters, seizure of goods and documents, referral to other members of the team, council services or other enforcement agencies.
3. Undertake test purchasing, sampling and screen testing of products and taking of any relevant action to ensure that products are withdrawn from sale and the public are informed of any dangers attributed to the consuming of such products or false or misleading descriptions.
4. Prepare cases for criminal and civil proceedings, taking statements from witnesses and obtaining evidence in conformance with relevant procedural legislation including Police and Criminal Evidence Act and Criminal Procedure and Investigations Act. To attend court to give professional evidence in legal proceedings.
5. To act as duty officer and provide a wide range of business advice. Provide training to businesses where required in order to protect

consumers as well as helping businesses meet legal requirements whilst also promoting the work of the section. To improve business compliance by undertaking proactive surveys, inspections and re-audits as part of a programme of work, including administration of the approved trader scheme taking appropriate legal action, recording of risk and other assessments and reports as well as providing mediation where required having regard to relevant legislation and Council policy.

6. Protect vulnerable consumers by carrying out interventions and advocacy to ensure the economic, physical and mental wellbeing of these residents. To research, prepare and implement education packages to meet specific community requirements. Work with Adult Social Care to ensure that safeguarding obligations are being met under the Care Act 2014, as well as working with National Trading Standards Scams team and the police with Operation Signature, to ensure that the most vulnerable consumers are protected.
7. To represent the department at a local and regional level and co-ordinate with other agencies and departments to ensure information is exchanged and consistency and quality is maintained.
8. To maintain up to date knowledge in a specific area of Trading Standards in order to provide a departmental expert resource for investigations and inspections as well as acting as a first point of contact for both businesses and consumers. Carry out necessary research to inform decision making and provide opinions and reports to officers, members and businesses and to respond to Freedom of Information Requests
9. To keep full and accurate records of work undertaken and operate all administrative practices and procedures as described, using I.T. software packages and analysis of data. Maintain and update the intelligence database, including obtaining, recording, reporting and disseminating intelligence, whilst working as a single point of contact for intelligence referrals from other authorities and agencies.
10. To work flexibly and be able to adapt to working in different teams at short notice to meet the demands of the service.

### **Principle Accountabilities – Senior Fair Trading Officer**

All of the above plus:

1. Complete statutory returns to central government as required and within time scales including those to the Department for Business, Enterprise, Innovation and Strategy and the Food Standards Agency.
2. Contribute to the annual Food Safety plan as required by the Food Standards Agency framework agreement.
3. Undertake the statutory role of lead officer for food and/or feed.

4. Participate in external audits by central government bodies such as the FSA and implement recommendations made as a result of those audits. Ensure that procedures/processes are up to date as required by the statutory Code of Practice.
5. Participate in continuing professional development training and job development programmes in order to keep abreast of changes in legislation and technical guidance and undertake a minimum of 20 hours certified CPPD (10 hours of which must relate to food and/or feed and 10 to professional practice) training each year in order to maintain statutory competency to undertake lead officer roles and to ensure that relevant colleagues are also maintaining their competency.
6. Ensure that the database of food and feed premises is accurate and kept up to date and that the programme of food and feed premises inspections is completed annually as set out in the food service plan as required by the framework agreement.
7. Undertake mediation between business and consumers when required and be the departmental lead on civil law matters including assisting vulnerable clients with court preparation work and attend court with consumers and businesses when required

### **General Accountabilities**

***(Please insert relevant paragraph from Job Description Questionnaire Guidance Notes on Health and Safety and Equality accountabilities)***

To co-operate in the implementation of the council Health and Safety policy

In particular: as set out in section 4.7 of the Health & Safety Policy:

- To take due care of their own health and safety and that of others, who may be affected by their acts and mistakes at work.
- To use equipment according to instructions.
- To ensure that they do not use facilities and equipment recklessly or interfere with the safe use of equipment, materials or systems.
- To report any unsafe act, or condition, any accident or incident according to Health and Safety Policy.

Knowledge required: (this should be included in the person specification)

- Commitment to acquiring awareness and knowledge of Health and Safety policy and practice as it applies in their area of work.
- Ability to co-operate and adhere to Health and Safety Policy, practices and instructions.

### **Equalities**

The job description must define the jobholder's responsibility to provide a service based on equal opportunities and a genuine commitment to the Inclusive Council Policy. How this is described under principal accountabilities will depend on the nature and level of the job. Some general examples are given below:-

To uphold and carry out the duties of the post with due regard to the City Council's Inclusive Council Policy.

Your duties will be as set out in the above job description but please note that the Council reserves the right to update your job description, from time to time, to reflect changes in, or to, your job.

You will be consulted about any proposed changes.

The list of duties in the job description should not be regarded as exclusive or exhaustive.

There will be other duties and requirements associated with your job and, in addition, as a term of your employment you may be required to undertake various other duties as may reasonably be required.

## BRIGHTON & HOVE CITY COUNCIL

### PERSON SPECIFICATION

<b>Job Title:</b>	Fair Trading Officer /Senior Fair Trading Officer
<b>Reports to:</b>	Trading Standards Manager/Principal Trading Standards Officer
<b>Department:</b>	Regulatory Services
<b>Section:</b>	Trading Standards

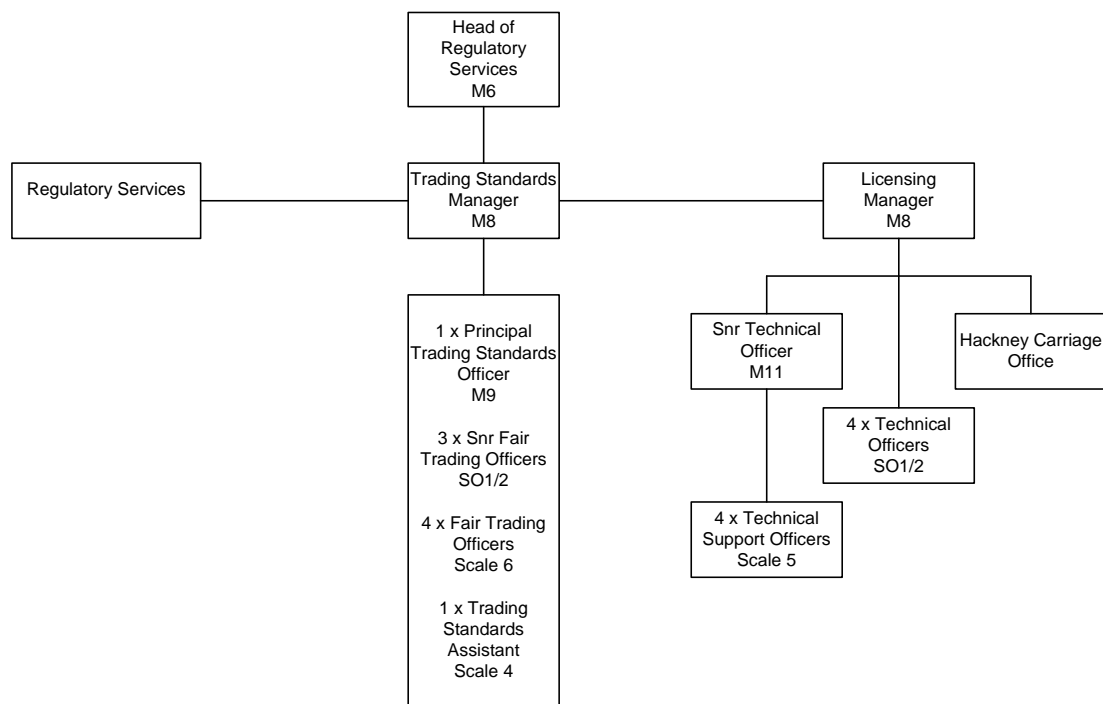
### Essential Criteria

<b>Job Related Education, Qualifications and Knowledge</b>	<ul style="list-style-type: none"><li>• Minimum 5 GCSE or 'O' levels (including English) or equivalent and</li><li>• Either:- Have the Diploma in Consumer Affairs &amp; Trading Standards (40 points)(level 5), or experience as below.</li></ul> <p><b>Senior Fair Trading Officer</b></p> <ul style="list-style-type: none"><li>• Above plus DCATS modules in Food and Feed (statutory requirement to have these qualifications in order to undertake work in these areas)</li></ul>
<b>Experience</b>	<ul style="list-style-type: none"><li>• At least 2 years' experience of working in a trading standards or other regulatory environment or enforcement background, e.g. police officer, community support worker or technical officer and</li><li>• Demonstrate a willingness and competence to study for the Diploma in Consumer Affairs and Trading Standards or specific modules.</li></ul> <p><b>Senior Fair Trading officer</b></p> <ul style="list-style-type: none"><li>• Minimum two years working as a fair trading officer</li><li>• Recent experience of carrying out and managing a relevant case load of investigations and inspections across a range of trading standards duties</li><li>• Experience of managing and completing projects</li><li>• Experience of developing policies and procedures.</li></ul>

<b>Skills and Abilities</b>	<ul style="list-style-type: none"> <li>• Excellent communication skills, both verbal and written. Able to communicate effectively at all levels and to the entire range of service users; ability to write correspondence, legal documents, prosecution papers as well as drafting protocols, procedures and memorandums of understanding.</li> <li>• Ability to organise and prioritise work, often under pressure and to achieve targets, ensuring that statutory time limits are met</li> <li>• Knowledge of the range of trading standards legislation</li> <li>• Good understanding of IT and an ability to maintain accurate and detailed records, electronic and written.</li> <li>• Ability to design and deliver presentations to community groups and others.</li> <li>• Ability and assertiveness to deal effectively with difficult situations whilst remaining impartial and influence people's behaviour to ensure compliance.</li> <li>• Ability to assimilate and interpret information and good problem solving and mediation skills.</li> <li>• The ability to use a wide range of investigative techniques.</li> <li>• Able to contribute positively as team member.</li> <li>• Ability to demonstrate self motivation, use of initiative and broadening horizons within their field.</li> <li>• Participate in training to maintain an up to date knowledge of changes in legislation and technical guidance.</li> <li>• Able to work on own initiative to achieve positive outcomes.</li> <li>• Knowledge of partner organisations within the enforcement community and consumer protection regime, working with them to achieve best outcomes.</li> </ul> <p><b>Senior Fair Trading Officer</b></p> <p>All of above plus:</p> <ul style="list-style-type: none"> <li>• Ability to undertake risk rating of premises to ensure appropriate inspection regime and to be able to recognise premises that are high risk and require additional support</li> <li>• To maintain continuing professional development and job development programmes in order to keep abreast of changes in legislation and technical guidance to ensure competency as required by the statutory code of practice (COP) .</li> <li>• Excellent knowledge of FSA Framework and associated code of practice and guidance agreement with local authorities to ensure that the Council fulfils its statutory obligations to deliver appropriate food and feed programmes.</li> <li>• Excellent knowledge of the range of trading standards legislation Food and feed law and other relevant legislation such as licensing law.</li> </ul>
<b>Equalities</b>	<ul style="list-style-type: none"> <li>• To be able to demonstrate a commitment to the principles of Equalities and to be able to carry out duties in accordance with the Council's Equalities Policy.</li> </ul>
<b>Other</b>	<ul style="list-style-type: none"> <li>• Able to work outside normal hours as required.</li> </ul>

<b>Requirements</b>	<ul style="list-style-type: none"><li>• Preferably a full driving licence.</li></ul>
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### 3. Organisational Chart



### 4. Hardest Part of the Job

The post holder will be involved in relatively minor or routine matters but will never know when it may escalate to become either a criminal or civil investigation which is lengthy or complex and may involve large organised crime groups especially with regard to doorstep crime and illicit goods. It is up to the officers to use their discretion/judgement and extensive knowledge of the law as well as previous experience to decide what type of investigation is necessary and the appropriate action that should be taken. Officers have a range of enforcement options available to them including civil or criminal enforcement, suspension notices and injunctions. They will be required to identify this type of investigation, seek assistance where necessary, but be capable of securing evidence in a timely and appropriate manner. They must be aware of the powers they have to carry out their role and the statutory time limits different legislations has for different offences. Failure to recognise this may result in evidence being ruled inadmissible and cases lost.

The post holder also has to make decisions to protect both the financial and physical wellbeing of consumers by seizing non-compliant or dangerous products as well as carrying out interventions in consumer's homes in relation to door stop crime.

The post holder will be expected not only to understand the legislation and how that pertains to specific goods and services but must also be able to understand the technical aspects of innovative products and be able to offer alternative options to businesses to ensure compliance.



The post holder is expected to interview under caution, interview potential witnesses and have to appear in Court on behalf of BHCC. This aspect of the work can be potentially difficult as they find themselves in confrontational situations: people's livelihoods are threatened and under question.

The post holder will be required to deal with emotive issues involving some of the most vulnerable consumers in our society who are at risk of losing their life savings and the post holder will need to be aware of appropriate safeguarding requirements so that the requirements of the Care Act 2014 are met.

### **Senior Fair Trading Officer**

As well as dealing with the above issues, the Senior FTO will be required to maintain statutory competency in order that they can fulfil their role to undertake food and feed work. They will be expected to undertake more complex cases and to act with more autonomy than fair trading officers. They will be required to provide information to the Trading Standards Manager so that statutory returns, such as LAEMS are completed in a timely manner and the annual food and feed plan as required by central government is produced. Animal feed legislation allows officers to use similar powers to Environmental Health Officers, if there is an imminent risk to animal or human health they can issue Emergency prohibition notices on a business, which can potentially close the business down or prohibit an operator from running a business.

### **5. Dimensions**

Annual programmed, high, medium and low risk inspection visits per officer is	200-400
Annual investigations into complaints or enquiries per officer	200
Reports for prosecution per officer	5-10
Product recalls/withdrawals/suspensions	5-10

### **ITEMS PROCESSED**

Notices to rectify Non Conformances	50-75
Written Warnings	10-20
Formal Cautions	5-10
Reports submitted/Civil proceedings	5-10

### **6. Scope for Impact**

The modern day movement of goods does not take place within local authority boundaries. The geographical nature of commercial transactions demand that officers communicate effectively with other Trading Standards colleagues across the country. They will need to speak to local, national and international companies as part of their role. The post-holder has extremely wide ranging powers to enter any trade premises to determine whether there are contraventions of relevant legislation. They have sole discretion to take immediate enforcement action to require the removal/suspension of products from sale that are considered unsafe. They can demand the recall or withdrawal of goods from sale which can affect the sale of that product on the national and international market. They may also seize large quantities of

high value goods for examination and subsequently detain those products as evidence. These actions have serious consequences for the individual businesses but also send a message to other traders of the problems involved in dealing with unsafe, falsely described or counterfeit products. However the post-holder will be supervised by senior officers but will need to make immediate decisions on their own initiative when required. Senior fair trading officers will be expected to undertake more complex cases and to act with more autonomy than fair trading officers. Often they are advising and supporting businesses with very specific legislative requirements as well as more general requirements across a range of complex legislation.

Officers through their interventions are able to generate savings for local consumers and businesses of approximately £30,000 per annum.

## **7. Job Context**

*(Please explain in one or two paragraphs the general context within which the job operates. Include here any other important facts not mentioned in the previous sections. For non-office based jobs, where applicable, use this section to describe the extent to which the job causes the jobholder physical effort/strain and/or the extent to which the jobholder is working in an uncomfortable or unpleasant environment)*

The post holder operates within a small regulatory service that ensures compliance with a diverse range of duties (60 Acts of Parliament and 200 Regulations and Orders). They are responsible for a range of this legislation but occupy a position that requires good professional practice with the purpose of ensuring that the public are protected from unfair, illegal or unsafe trade practices.

Communication is a key and major factor of the post. All levels are expected to influence people's behaviour to ensure compliance. They are required to communicate with people in all positions from the Managing Director of a major retail store or multi-national/international company through to a smaller retail outlet or market trader. They are advising businesses of non compliance and suggesting remedial action/ providing answers to ensure compliance. They must be able to justify their decision making and why a recommended course of action is appropriate. Through their work, Fair Trading Officers and Senior Fair Trading officers, help to ensure that the local economy thrives by creating a fair and safe market economy and failure to undertake these functions may result in reputational risk for the local authority as well as potential serious harm or even death for consumers

All levels have to design and deliver presentations to community groups which can range from resident and tenancy associations through to ethnic minority and other specific groups.

As authorised officers the post holders have extensive delegated powers for initiating enforcement on behalf of the council. Officers are often involved in out of hours working or required to work alone. They are exposed to an increased risk of violence at work over and above that experienced by back of house staff. This may require officers to undertake dynamic risk assessments to protect their own safety and may involve the use of personal protective equipment such as stab vests.

## 8. Approval:

*We confirm that the job description, person specification and additional information provided above convey a full and accurate description of the job at this time.*

<b>Post holder:</b> Sign & print name	
<b>Reports to:</b> Sign & print name	
<b>Date signed:</b>	
<b>Department:</b>	
<b>Section:</b>	

HR Use only:

<b>Job Analyst:</b> Sign & print name	
<b>Date evaluated</b>	
<b>Method:</b>	