

Agenda Item No. 3(b)

DERBYSHIRE COUNTY COUNCIL

MEETING OF CABINET MEMBER – HEALTH AND COMMUNITIES

13 December 2016

Report of the Strategic Director – Economy, Transport and Communities

**PROPOSED REGULATORY COMPLIANCE OFFICER – TRAILBLAZER
APPRENTICESHIP SCHEME**

- (1) **Purpose of Report** To inform the Cabinet Member of the latest developments to create an apprenticeship scheme for regulatory services.
- (2) **Information and Analysis** Further to the report on 18 February 2016 (Minute No. 18/16 refers), the Department for Education has approved an 'Expression of Interest to develop a new apprenticeship Standard for a Regulatory Compliance Officer'. The first attempt submitted in January 2016 was turned down, but with a few adjustments to widen the appeal of the proposed apprenticeship to national regulators and the private sector, as well as local authority regulators, it was approved by the Minister in July 2016.

As well as local district and county councils within the East Midlands, the proposed apprenticeship scheme has the support of local authorities from Cornwall to Durham; national regulators including Regulatory Delivery (part of the Department for Business, Energy and Industrial Strategy), the Health and Safety Executive, the Environment Agency, the Department of Agriculture Fisheries and Food, the Food Standards Agency; several private sector businesses; as well as the Chartered Institute of Environmental Health, the Institute of Licensing and the Chartered Trading Standards Institute.

The next step in the process is to get a Standard for the apprenticeship scheme agreed. The Standard is a bit like a job description as it sets out the expected knowledge, skills and behaviours required in the role. Examples of the tasks associated with the role are provided below and anticipates that the Regulatory Compliance apprentice might be working for a local or national regulator or, in-deed, a private sector business.

- Assessing the extent to which a business meets the requirements of the law and/or relevant audit standards.
- Working with businesses to help them comply with relevant legislation in their sector and/or meet the requirements of private standards e.g. International Organisation for Standardisations (ISO).

- Providing information, guidance and advice to businesses on how to comply with legislation or meet audit requirements in their sectors.
- Collecting and analysing business data to build a picture of business compliance.
- Conducting risk assessments and highlighting hazards which may result in non-compliance by the business.
- Auditing and monitoring business compliance in relation to the regulations which apply to a specific sector.
- Writing reports following inspections or audits.
- Liaising with businesses/regulators to resolve any issues of non-compliance
- Managing relationships with businesses and providing customer service.
- Dealing with complaints from consumers and other businesses and investigating them.

It is anticipated that the apprenticeship will take two years to complete and will be a Level 4 qualification which is equivalent to a Foundation Degree or first year at university. The Standard is provided as an appendix to this report and was approved by the Minister on 14 September 2016. The next stage in the process is to submit an Assessment Plan which describes what the apprentices must do to be able to demonstrate that they have achieved the requisite level of competence. The 'End Point Assessment' is likely to include the following elements:

- Multiple Choice Questions
- An observation of professional practice
- A Portfolio of evidence together with a 'professional interview'

The Steering Group is currently in discussions with training providers, including the University of Derby and Babington College, Derby to determine how the apprenticeship training will be provided. Both training providers and assessors must be registered with the National Apprenticeship Team, which is part of the Skills Funding Agency within the Department of Education. The target date for having the Scheme up and running is Spring 2017.

(3) **Social Value Considerations** Local Authority Regulatory Services, such as trading standards and environmental health, have a wide range of statutory responsibilities. Derbyshire Trading Standards Division is having to make savings due to Council-wide budget cuts but is prioritising support for vulnerable people. However, the Division has an aging workforce and can anticipate the need to recruit and train new staff within the short to medium term. The ability to appoint relatively low cost apprentices will assist with succession planning and hopefully prevent a future skills shortage which could otherwise adversely affect the Authority's ability to protect vulnerable people from rogue traders.

In preparing this report the relevance of the following factors has been considered: financial, legal, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(4) **Key Decision** No.

(5) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(6) **Background Papers** Held on file within the Economy, Transport and Communities Department. Officer contact details – Robert Taylour, extension 39830.

(7) **OFFICER'S RECOMMENDATION** That the Cabinet Member notes the report.

Mike Ashworth
Strategic Director – Economy, Transport and Communities

Appendix - Apprenticeship Standard - Regulatory Compliance Officer

Occupation Overview: Well designed and enforced regulation plays a vital role in improving the way markets work for the benefit of business, employees and citizens, supporting sustainable growth, trade and investment and improved social and environmental outcomes. It is well recognised that the regulatory climate is a key contributor to the creation of a positive and supportive business environment whilst also assuring public and environmental protection.

Role Profile: Within the public sector, Compliance Officers either work to perform regulatory services functions within local authorities such as environmental health, fire safety or trading standards, but may also work within Monitoring Compliance Teams within national regulators such as the Food Standards Agency (FSA), Health and Safety Executive (HSE), Department for the Environment Food and Rural Affairs (DEFRA) or the Register of Regulated Qualifications (OFQual). In the private sector, officers will typically be involved in supporting compliance activities within a range of businesses and liaising with frontline regulators. Additionally, officers will provide monitoring and oversight of the compliance related activities of the wider supply chain to assure product and process quality and safety, as well as legality. Typical activities that may be carried out by a fully competent employee include, but are not limited to:

- Assessing the extent to which a business meets the requirements of the law and/or relevant audit standards
- Working with businesses to help them comply with relevant legislation in their sector and/or meet the requirements of private standards e.g. International Organisation for Standardisations (ISO)
- Providing information, guidance and advice to businesses on how to comply with legislation or meet audit requirements in their sectors
- Collecting and analysing business data to build a picture of business compliance
- Conducting risk assessments and highlighting hazards which may result in non-compliance by the business
- Auditing and monitoring business compliance in relation to the regulations which apply to a specific sector
- Writing reports following inspections or audits
- Liaising with businesses/regulators to resolve any issues of non-compliance
- Managing relationships with businesses and providing customer service
- Dealing with complaints from consumers and other businesses, and investigating them

Requirements: Knowledge, Skills and Behaviour (KSBs)

Knowledge	What is required - The Regulatory Compliance Officer will require a comprehensive understanding of;
Regulation	<ul style="list-style-type: none"> • The role of regulation as a tool of Government. • Legal frameworks and powers. • The law and where it applies to businesses customers. • The legislation relevant to their regulatory function(s). • The role and responsibilities of partner organisations and their interrelationships. • The architecture of regulatory frameworks and their role within it.
Risk Assessment	<ul style="list-style-type: none"> • Risk assessment as a tool to support compliance.
Business stakeholders and their compliance needs	<ul style="list-style-type: none"> • Knowledge of the business environment they interact with. • How regulation and the way it is enforced can impact on the businesses regulated. • The factors that affect business approaches to compliance. • The need to provide compliance support to businesses they work with.
Evaluation	<ul style="list-style-type: none"> • The value of feedback from those they regulate, and the beneficiaries of regulation such as consumers in informing future activities.
Skill	What is required - The Regulatory Compliance Officer will have the ability to;
Deliver a Service	<ul style="list-style-type: none"> • Plan and deliver compliance support services in line with business expectation. • Carry out activities in line with their organisation's regulatory outcomes – ensuring business prosperity and consumer/environmental protection. • Work within the organisation's policies and procedures and the law.
Risk Assess	<ul style="list-style-type: none"> • Assess regulatory risks and use risk assessment to guide their activities and target resources.
Collect and analyse data	<ul style="list-style-type: none"> • Gather, analyse, use and share data to inform risk assessment.
Understand businesses they work with	<ul style="list-style-type: none"> • Engage constructively with business and tailor their approach to businesses that they interact with. • Take account of the provisions of statutory Codes in order to engage effectively with businesses.
Plan their activities	<ul style="list-style-type: none"> • Plan their compliance support activities so as to deliver their responsibilities efficiently. • Work as part of a team building and maintaining good working relationships with both business and regulator stakeholders.
Choose appropriate interventions	<ul style="list-style-type: none"> • Make appropriate intervention choices to have the greatest impact on supporting compliance. • Take a proportionate approach to intervention choice. • Work effectively with other organisations.
Check compliance	<ul style="list-style-type: none"> • Prepare appropriately for checks on compliance. • Conduct interventions in a proportionate manner. • Be responsive to the circumstances encountered. • Make informed assessments of compliance and risk. • Follow-up on checks on compliance in an appropriate manner.
Support	<ul style="list-style-type: none"> • Promote the importance of compliance and their organisation's role in

compliance	supporting compliance. <ul style="list-style-type: none"> • Provide information and guidance that is needed by businesses and/or those they regulate. • Provide the tailored advice that is needed by businesses where appropriate.
Respond to non-compliance	<ul style="list-style-type: none"> • Communicate effectively with businesses that have failed to comply. • Work with partner organisations to support proportionate, risk based responses to non-compliance. • Conduct thorough investigations of non-compliance and allegations of non-compliance. • Take actions to deal with non-compliance using a wide range of interventions including advice and guidance, formal letters and notices. Where necessary impose sanctions. • Provide appropriate support for those adversely affected by non-compliance.
Effective decision making	<ul style="list-style-type: none"> • Having sound judgement. This includes making decisions about the relevance, quality and accuracy of the information available and using and sharing it appropriately.
Evaluate	<ul style="list-style-type: none"> • Monitor and report on their activities and performance. • Evaluate their activities in relation to their regulatory objectives and their organisation's strategic priorities.
IT and Digital	<ul style="list-style-type: none"> • Use IT systems to manage, share and store information in accordance with data protection requirements where appropriate. • Use digital technologies to communicate with and support partner organisations and regulated entities. • Use digital competencies to support the regulation of online markets.
Behaviour	What is required - The Regulatory Compliance Officer will behave in a way that enables;
Collaboration	<ul style="list-style-type: none"> • Working collaboratively and building professional relationships with colleagues and partner organisations.
Delivery at pace	<ul style="list-style-type: none"> • Delivering at pace, working to agreed goals and activities, responding to challenges constructively, for example managing time well and thinking positively.
Quality service delivery	<ul style="list-style-type: none"> • Delivering a quality service by having a customer focussed mind set.
Leadership and communication	<ul style="list-style-type: none"> • Leading by example. This includes being even-handed, supportive, and not letting personal opinions override business needs, and communicating professionally, openly and honestly.
Change and improvement	<ul style="list-style-type: none"> • Being open to change. This includes being creative in supporting continuous improvement or changes to systems or processes.

Additional Information

Entry Requirements	Whilst any entry requirements will be a matter for individual employers, typically an apprentice might be expected to have already achieved GCSE Maths and English on entry.
Duration, Level, and Renewal	Typically 24 months. Level 4. Renewal 3 years from date of approval.
Qualifications	Apprentices without level 2 English and maths will need to achieve this level prior to taking the end-point assessment.