

**DERBYSHIRE COUNTY COUNCIL**

**MEETING OF CABINET MEMBER – HEALTH AND COMMUNITIES**

**30 November 2017**

Report of the Strategic Director – Commissioning Communities and Policy

**REGULATORY COMPLIANCE OFFICER TRAILBLAZER APPRENTICESHIP SCHEME**

(1) **Purpose of Report** To advise the Cabinet Member, Health and Communities of a proposed 'Regulatory Compliance Officer' Apprenticeship Scheme and to seek the Cabinet Member's agreement for Derbyshire to continue to Chair the Steering Group.

(2) **Information and Analysis** Currently there are no dedicated apprenticeship schemes for anyone wishing to pursue a career in a regulatory discipline within a local authority such as trading standards, environmental health or licensing. Whilst many colleagues may have successfully undertaken an apprenticeship in a general subject such as ICT, Administration or Customer Services, for an employer seeking to recruit a young person into a more specific work area, it would be advantageous to use the levy to cover relevant core skills.

The Institute for Apprenticeships (IfA) was set up by the Government to provide support and guidance to anyone seeking to establish a new apprenticeship. The Guidance has a number of stages including:

- Setting up a Steering Group that is representative of the sector seeking to establish a new apprenticeship and appointing a Chair of that group.
- Submitting an 'Expression of Interest' to create a new Apprenticeship Standard.
- Agreeing the Standard which sets out the Role Profile for the apprenticeship and includes the required Knowledge, Skills and Behaviours.
- Having an 'End Point Assessment' (EPA) agreed which details how the apprentice is adjudged to have attained the required standard.

Initial discussions took place with the Chartered Trading Standards Institute (CTSI) in the autumn of 2015 and Derbyshire County Council was asked to Chair the Steering Group for a proposed 'Trailblazer' apprenticeship scheme. Subsequently, an 'Expression of Interest' (Eoi) to create a Regulatory

Compliance Officer (RCO) apprenticeship scheme was agreed by the Minister in July 2016. The RCO apprenticeship scheme was designed to be suitable for anyone working in a regulatory service both within local and national government and also within the private sector. As well as Heads of Service from local authorities throughout England, the Steering Group includes representatives from national retailers, professional bodies – including those for Trading Standards, Environmental Health and Licensing - and central government departments such as the Environment Agency, Food Standards Agency and the Animal Health and Plant Agency.

The most assistance has been provided by Regulatory Delivery (RD) which is part of the Department for Business, Energy and Industrial Strategy (BEIS). As well as having a role to support businesses and ensure that local – and national – regulators are competent and that their interventions with business are supportive – RD also have a national regulatory role as well as the policy lead for a number of ‘trading standards’ legislative areas (including product safety and weights and measures). BEIS is also the responsible government department for fair trading legislation which is enforced by local authority trading standards services.

All apprentices are entitled to spend 20% of their time training. Unlike the early days of apprenticeships where apprentices attended the ‘local tech’ one day a week, training is more often provided by both on-line tutorials and face to face workshops. Most apprentices, however, acquire the majority of their skills and knowledge ‘on the job’. It is anticipated by Government that private sector training providers will come forward offering to deliver the training and similarly, private sector ‘End Point Assessment’ organisations will be prepared to carry out the assessments. Both training providers and EPA organisations must be approved by the Institute for Apprenticeships in order to deliver approved apprenticeship schemes and thus be paid via the Levy.

The Steering Group has been in discussion with a number of training providers and EPA organisations including the University of Derby (UoD) who currently deliver a Masters’ degree course in Environmental Health and a Derby based private sector training provider. The delivery of the UoD degree course is ‘blended learning’; in other words a mixture of on-line lectures and tutorials combined with an annual residential workshop. It is anticipated that the delivery of the RCO apprenticeship will follow a similar model and as such could be delivered anywhere in the country. To reduce travel costs it is hoped that a number of training providers will be interested in delivering the RCO scheme and thus a reasonable geographic spread could be achieved.

With the support of the three main local authority professional bodies; The Chartered Institute of Environmental Health (CIEH), The Institute of Licensing (IoL) and the Chartered Trading Standards Institute (CTSI) surveys have been conducted with heads of service of the respective local authority services.

Based on a relatively small sample of respondents, it is estimated that as many as 1,100 'Regulatory Compliance Officer' apprentices could be recruited over the first three years after the scheme is launched. (See table below).

**Table 1 Survey results\***

Sector	Total Sample		Total All LA's	
	3 years	per year	3 years	per year
Environmental Health	62	21	632	211
Licensing	52	17	297	99
Trading Standards	95	32	198	66
<b>Total</b>	<b>209</b>	<b>70</b>	<b>1,127</b>	<b>376</b>

\*Response to the question: 'How many RCO apprentices do you anticipate recruiting over the next three years?'

The proposed Standard for the RCO was approved in September 2016 and is available as an appendix to this report. It is also available on the Government website via the following link:

<https://www.gov.uk/government/publications/apprenticeship-standard-regulatory-compliance-officer>

Some key elements of the Standard are:

- It is a Level 4 qualification which is equivalent to a Foundation Degree (Level 3 is equivalent to 'A' levels).
- It is anticipated that it will take 24 months to complete.
- Applicants need to have attained GCSE Maths and English (Level 2) prior to attempting the End Point Assessment.
- The proposed EPA will consist of:
  - A Knowledge exam; viz multiple choice questions and short answers;
  - An Observation of Professional Practice ;
  - A Viva or Professional Discussion based on a work-based portfolio of evidence which will also require the completion of a project.
- The RCO Scheme has been allocated an indicative funding band of £6,000 (Band 8).

It is anticipated that the apprenticeship will be attractive to capable school/6<sup>th</sup> form leavers who have attained good 'A' level results, but have decided not to

go to university. Apprenticeships are also available to existing members of staff who don't currently hold a higher qualification in the subject area.

Although the proposed End Point Assessment was submitted in November 2016, it has still not been agreed by the IfA. Despite following the Trailblazer Guidance supplied by the IfA and the advice provided by IfA Relationship Managers assigned to the Group, there remains a number of points outstanding that the IfA say require further detail and/or clarification. In addition, feedback from training providers and EPA organisations suggests that the funding band is too low. Up to a maximum of 20% of the funding allocation (ie £1,200) can be spent on the EPA which leaves a balance of just £4,800 to deliver the training over a two year period. Of the 32 Level 4 apprenticeship standards that have been approved to date<sup>1</sup> there is only one that has a funding Band of 7 (£5,000), one which has been allocated at Band 8 (£6,000) and the rest are at least Band 9 (£9,000) with three Level 4 apprenticeship schemes have the maximum funding allocation of £27,000. The average funding level is £13,613.

The Steering Group continues to engage with training providers and EPA organisations and is also in discussions with the IfA through the currently assigned Relationship Manager.

From the Council's perspective as an employer we are keen to see this new apprenticeship standard available for delivery as this would provide a route to bring new young talent into Trading Standards and address an area of skills shortage. This would also allow the Council to make further commitments against its apprenticeship levy account and provide further apprentices to count against the Council's requirement to meet the Government's public sector target of 2.3% of our headcount.

(3) **Financial Considerations** There are no immediate financial commitments associated with this report.

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

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<sup>1</sup> See link to the Education and Skills Funding Agency website:  
<https://www.gov.uk/government/publications/apprenticeship-funding-bands>

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

(7) **OFFICER'S RECOMMENDATION** That the Cabinet Member notes the progress being made to create an apprenticeship scheme for the regulatory sector and approves the continued involvement of the Assistant Director Trading Standards as the Chair of the Steering Group.

**Emma Alexander**  
**Strategic Director – Commissioning, Communities and Policy**

## Appendix 1 - Regulatory Compliance Officer Standard and End Point Assessment Method

**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

Key:	
Knowledge Exam	KE
Observation of Professional Practice	OPP
Viva	V

	Knowledge	EPA
	<b>Regulation</b>	
1	The role of regulation as a tool of Government.	KE, V
2	Legal frameworks and powers.	KE, V
3	The law and where it applies to businesses customers.	KE, V
4	The legislation relevant to their regulatory function(s).	KE, V
5	The role and responsibilities of partner organisations and their interrelationships.	KE, V
6	The architecture of regulatory frameworks and their role within it.	KE, V
7	Risk assessment as a tool to support compliance.	KE
	<b>Business stakeholders and their compliance needs</b>	
8	Knowledge of the business environment they interact with.	KE, V
9	How regulation and the way it is enforced can impact on the businesses regulated.	KE, V
10	The factors that affect business approaches to compliance.	KE, V
11	The need to provide compliance support to businesses they work with.	KE, V
	<b>Evaluation</b>	
12	The value of feedback from those they regulate, and the beneficiaries of regulation such as consumers in informing future activities.	OPP
	<b>Skills</b>	
	<b>Deliver a Service</b>	
13	Plan and deliver compliance support services in line with business expectation.	OPP
14	Carry out activities in line with their organisation's regulatory outcomes – ensuring business prosperity and consumer/environmental protection.	OPP
15	Work within the organisation's policies and procedures and the law.	OPP
	<b>Risk Assess</b>	
16	Assess regulatory risks and use risk assessment to guide their activities and target resources.	OPP
	<b>Collect and analyse data</b>	
17	Gather, analyse, use and share data to inform risk assessment.	OPP
	<b>Understand businesses they work with</b>	
18	Engage constructively with business and tailor their approach to businesses that they interact with.	V
19	Take account of the provisions of statutory Codes in order to engage effectively with businesses.	V
	<b>Plan their activities</b>	
20	Plan their compliance support activities so as to deliver their responsibilities efficiently.	OPP
21	Work as part of a team building and maintaining good working relationships with both business and regulator stakeholders.	OPP
	<b>Choose appropriate interventions</b>	
22	Make appropriate intervention choices to have the greatest impact on supporting compliance	V
23	Take a proportionate approach to intervention choice.	V
24	Work effectively with other organisations.	V
	<b>Check compliance</b>	
25	Prepare appropriately for checks on compliance.	OPP, V
26	Conduct interventions in a proportionate manner.	OPP, V
27	Be responsive to the circumstances encountered.	OPP, V
28	Make informed assessments of compliance and risk.	OPP, V
29	Follow-up on checks on compliance in an appropriate manner.	OPP, V
	<b>Support compliance</b>	
30	Promote the importance of compliance and their organisation's role in supporting compliance.	OPP

32	Provide information and guidance that is needed by businesses and/or those they regulate.	OPP
33	Provide the tailored advice that is needed by businesses where appropriate.	OPP
<b>Respond to non- compliance</b>		
34	Communicate effectively with businesses that have failed to comply.	OPP
35	Work with partner organisations to support proportionate, risk based responses to non-compliance.	OPP
36		OPP
37	Conduct thorough investigations of non-compliance and allegations of non-compliance.	OPP
38	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.	OPP
<b>Effective decision making</b>		
39	Having sound judgement. This includes making decisions about the relevance, quality and accuracy of the information available and using and sharing it appropriately.	OPP
<b>Evaluate</b>		
40	Monitor and report on their activities and performance.	V
41	Evaluate their activities in relation to their regulatory objectives and their organisation's strategic priorities.	V
<b>IT and Digital</b>		
42	Use IT systems to manage, share and store information in accordance with data protection requirements where appropriate.	OPP
43		OPP
44	Use digital technologies to communicate with and support partner organisations and regulated entities. Use digital competencies to support the regulation of online markets.	OPP
<b>Behaviour</b>		
<b>Collaboration</b>		
45	Working collaboratively and building professional relationships with colleagues and partner organisations.	V
<b>Delivery at pace</b>		
46	Delivering at pace, working to agreed goals and activities, responding to challenges constructively, for example managing time well and thinking positively.	OPP
<b>Quality service delivery</b>		
47	Delivering a quality service by having a customer focussed mind set.	V
<b>Leadership and communication</b>		
48	Leading by example. This includes being even-handed, supportive, and not letting personal opinions override business needs, and communicating professionally, openly and honestly.	V
<b>Change and improvement</b>		
49	Being open to change. This includes being creative in supporting continuous improvement or changes to systems or processes.	V

### Additional Information

<b>Entry Requirements</b>	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.
<b>Duration, Level, and Renewal</b>	Typically 24 months. Level 4. Renewal 3 years from date of approval
<b>Qualifications</b>	Apprentices without level 2 English and maths will need to achieve this level prior to taking the end-point assessment.