

Lessons Learnt:
Retail Enforcement Pilot

LBRO
Better Local Regulation



Review and Assessment of the
Lessons Learnt from the
Retail Enforcement Pilot (REP)

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Foreword

Good regulation is critical to prosperity and protection for communities, citizens and businesses alike. Good regulation requires not only good regulations but also effective regulators. Local regulators have a strong direct relationship with businesses, especially small and micro businesses, and many businesses value their professional expertise, knowledge, and guidance. Targeted inspection is just one element, but an important element, of a properly risk-based approach to regulation. Where activities are well targeted, in accordance with risk, resources can be focused on the rogue traders, persistent offenders and high risk sites that present the greatest hazard to consumers, communities and other businesses.

Listening to businesses across the UK economy tells us that they respond in different ways to regulatory requirements. Many businesses value visits from regulators, using the opportunity to seek guidance and advice from professional officers or to receive validation of their efforts in achieving compliance. However, dealing with any inspection costs a business time and effort, and inspections that are inconsistent and intrusive represent a real cost burden. Businesses need precision, objectivity and consistency in their interaction with regulators and, wherever possible, the scope of inspections should be maximised to reduce the number of interventions necessary. Where businesses have taken their own steps to understand and comply with the law, and can demonstrate this, they feel that they have earned the right for this to be recognised in reduced risk ratings and consequentially fewer inspections.

The Retail Enforcement Pilot, one of the key early programmes of work to make the Hampton Review a reality, was established to encourage new risk-based approaches to local regulation. Its focus was on encouraging local regulators to work collaboratively to identify and test new ways of working to meet the needs of business. The pilot brought together businesses, central government policy owners and local authority officers to improve understanding about how local regulators can better work together to achieve better regulatory outcomes and ensure effective use of limited resources.

Since 2005, some 30 local authorities, organised into geographic clusters, have been involved in testing risk-based, collaborative approaches to inspections of businesses for periods of 12 months. Since June 2008, LBRO has worked closely with each cluster to compile lessons learned, with the assistance of the Centre for Decision Analysis and Risk Management at Middlesex University. This report is the culmination of that work.

In tandem, the Centre for Regional Economic Development, University of Cumbria, conducted a review, through a case study approach, of the impact REP had on the businesses inspected using the new approach. We published that report in October 2009. (It is available at www.lbpro.org.uk/lbro-projects-retail-enforcement-pilot.html.)

REP's proposition of a mechanism to deliver a single business inspection covering multiple regulatory functions by a single inspector seems obvious to business. However, the evidence from this study highlights that the way the current system of local regulation is organised and delivered in practice makes it a considerable challenge. This report draws together the experiences of those involved in operating the pilot, highlighting their challenges and successes, and showing that they had a common commitment to making the approach work. From this experience, it is clear that to deliver on the aspirations of the pilot, strong partnerships were necessary and that these needed to be supported by robust mechanisms to share information through effective IT. Perhaps most significantly, it is also clear that the new approach required a change in culture for local and national regulators.

We welcome the findings of this report as a platform to work with businesses, local authorities and government. Our programme of work with local authorities to support sector-led improvement through the Excellence Framework will be our key vehicle to take forward the recommendations relating to partnerships and culture. Those issues relating to the broader regulatory system such as risk assessment, approaches to officer competency and recognition of new ways of working are already key strands of the work of the World Class coalition and this report provides an added impetus to move forward on embedding common approaches.

LBRO wishes to express its thanks to the participants in this research and to colleagues at the Centre for Decision Analysis and Risk Management, Middlesex University who led the study.



Clive Grace,
Chair,
Local Better Regulation Office



Graham Russell,
Chief Executive,
Local Better Regulation Office

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Executive Summary

The results of the Retail Enforcement Pilot (REP) offer regulators at all levels an opportunity to reflect on alternative options for practice. Following on from the issues in the Hampton Review it sought to provide mechanisms for officers to carry out a single visit covering multiple regulatory functions, spanning environmental health, trading standards, licensing, and fire safety. In effect these officers would act as the “eyes and ears” of the other regulators providing intelligence on compliance without the need for further visits.

The concept aimed at reducing the regulatory burden on retailers through a reduction in the number of visits and the time invested in them and subsequent actions. At the same time the ideal was that any savings in regulatory practice could be redirected to carry out other activities such as focusing on premises that were non-compliant, providing proactive advice to business, delivering consumer education activities and committing more time to campaign work.

The scheme was operated by consortia based across England. These consortia ranged from individual authorities to larger county level partnerships.

Analysis of their experiences was conducted through a two stage process. Interviews were conducted with the managers of each partner within the consortia (n=48) and focus groups were undertaken with groups of selected field officers within the clusters (n=6). The results of this process was independently analysed and the results and report provided to the Local Better Regulation Office (LBRO).

Results

The results have been grouped into themes which cover:

- developing partnerships;
- sharing information;
- ICT and tools; and
- resources and culture.

There are two overarching lessons which fall outside the above. The first relates to the timescales involved in implementation of such a large-scale change in practice. The time for both implementation and operation for the authorities undertaking the pilot were extremely short, giving rise to many obstacles that detracted from the operation of REP. This is a lesson that must be learned by national regulatory bodies, strategic authorities and future consortia.

The second lesson to learn is the importance of reaching early agreement of all agencies involved as to whether REP style visits meet inspection standards. This remains an issue which is still the subject of reflection and at the time of the report one strategic agency is still considering whether “eyes and ears” visits meet their needs to report to Europe on the standards of inspection adopted in England. It is clear that if REP style approaches are to be continued then this will need resolution.

That said, REP has contributed to the discussions between national and local regulators who are meeting under the auspices of the World Class Coalition project. The World Class Coalition has been provided with evidence and exemplars of good practice that may not have been available but for REP.

It has to be commented that the delivery of the REP project and the lessons that we are able to learn from the project were enhanced by the leadership of LBRO. Their use of regular user groups as a feedback mechanism and the introduction of interviews of managers and evaluative focus groups to extract comments at all levels provided a huge array of data that has been used in this evaluation. Their involvement of research-led, independent organisations in the evaluative process is also of considerable merit in trying to extract useable lessons from the REP project.

Developing Partnerships

Analysis revealed a strong commitment from all those involved wanting to make this work. Regulatory officers recognised scope for additional responsibilities and greater understanding of wider practice, whilst managers recognised the scope for more SMART service provision. However, what is important is that everyone recognised some advantages to business clients.

One very clear advantage demonstrated by the pilot was that there was some really useful liaison and strategic visioning that would not have happened but for REP.

This has led to the majority of the consortia considering how to take forward REP style service provision for the future and in particular the value accruing from the “eyes and ears” intelligence visit.

Sharing Information with other Agencies

The sharing of information between agencies provided two distinct advantages:

- a. The majority of consortia identified occasions where the process highlighted premises where urgent intervention was required by other agencies. (These premises were unlikely to be visited or were to be visited some considerable time in the future). The consortia commented favourably on this as one of the primary benefits of REP.
- b. The combined information collected by the agencies provided a more cohesive view on overall compliance by the business, for example, leading to increased confidence in management of those assessed as broadly compliant.

That said there were a number of obstacles to overcome to achieve the above. The most notable related to the efficacy and flexibility of the question set used within the REP project. Even though the question set was compiled by enforcement officers, consortia reported, for example, that the questions were poorly constructed and didn't allow for prioritised alerting to other agencies. Any issues identified often resulted in additional communication in order to consider the need for further visits. It will be important in future iterations of REP style programmes to ensure that the alert system provides graded intelligent alerts.

ICT and Tools

One of the considerable difficulties experienced by the consortia stemmed from information collection and transfer between agencies. Existing IT infrastructure operated against fluid information exchange and future consortia will need to consider the time and resource investment required to ensure that each partner is operating with both the same property identifier and with databases that can communicate and update each others systems.

In addition the project introduced mobile technology to aid in the REP project. This added a further complexity to the project since regulatory officers were expected to familiarise themselves with both a new way of working, new areas of practice, a new question set and integrate this with new technology. This level of change is unprecedented and regulatory officers evidenced considerable pragmatism in overcoming the many barriers created. For future projects and consortia it is clear that setting up the REP process should be implemented before additional layers of complexity are added.

Resources and Culture

One of the principle objectives of REP was the redirection of resources away from outlets that are broadly compliant to those that are non-compliant. It is noted that the provision of a cost benefit analysis has proven difficult. A limited number of authorities point to significant resource savings, whilst others have reported increased resource implications in servicing both REP and national performance indicators. The major reason for the difficulty in extracting this data is that there was no clear or agreed pre-requisite requirement for the clusters to gather base data or to record resource implications and subsequent attempts to carry out retrospective analysis has been shown to be both time consuming and unproductive. Prior planning is again, a factor here and national initiatives such as REP do need to have for the future, robust research methodologies capable of testing all those matters deemed critical within the project.

Overall however, REP has provided opportunities for cross sectoral working that, in many cases would not have occurred but for REP. In other cases where such partnerships already existed it has furthered the level of integration which is unlikely ever to be lost. REP can therefore, be said to have been a success in providing opportunities to reflect on interventions and the ways such an approach can be used in the future by other agencies.

Conclusion

In hindsight, involvement with the pilot may not have been right for all of those that took part, but the majority of participants have indicated that there were elements of the pilot, in particularly the requirement to work in partnership with other authorities and regulators, that have assisted in their longer term service provision.

Pulling all of these strands together one can provide a diagrammatic summary of the issues that need to be considered in preparing and learning from REP style interventions. For greater detail you can refer to the specific sections on the lessons learned.

Checklist of Activities

In order to provide a summary of some of the main points raised during the REP project we have put together the following checklist of the lessons learned from this report. The list is not exhaustive but is designed to provide an "aide memoire" to any potential partnerships of the key tasks which need to be delivered during the transition to a "REP" style enforcement regime.

Partnerships:

- Create an organisation structure and make it clear who is responsible for each element of the project. (Communications, Finance Control, Steering Group, Project Management etc.,)
- Involve ICT colleagues from all the partnerships as early as possible in the planning of the project.

- Involve cabinet members, local and business communities and enforcement officers. They all need to be involved in the “journey”.
- Communicate why this approach is being taken, what are the desired outcomes of the project, the cost implications/savings and explain the need for change and the impact on regulatory services and the business community.
- Anticipate the impact your approach will have on your delivery against National Regulators targets and agree any changes with your SRO/Steering Group.

Share Information:

- Key message from the previous pilots, the biggest challenge, both in time and resource, is the creation of a functional, accessible, clean and fully integrated database of premises. With the merging of several databases you may find one premise identified in several ways. Agree an approach to purge the systems, remove duplications and agree on a process to maintain the integrity of the data. Give yourself realistic timescales to carry out this task.
- Identify what information needs to be shared. If you are using an alert system to notify colleagues of the results of an inspection, agree what information needs to be sent and how it will be communicated. (Involve ICT colleagues in the decision process.)

Tools:

- Set up a SMART project. Identify how you will measure success.
- Agree on the ways of working, identify who will be the lead regulatory service on each inspection and develop service plans for the duration of the intervention cycles, not just for 12 months.
- Organise training sessions on any new technology and any changes to the ways of working. Have officers explain to other officers the reasoning behind the need to gather intelligence in specific areas.
- Consider the need to incorporate the training as part of the induction modules for new starters.
- Look to introduce realistic timescales in the planning of the project and agree ownership for each task.

Resource and Culture:

- Involve officers in the development of the process, this will enable you to identify “champions” and encourage wider ownership for the approach.
- Explain why a change is being introduced, involve officers from each of the disciplines to formulate the type and content of the intelligence being gathered and use them to “sell” the concept.
- Provide the opportunity for officers to give feedback, listen and respond to all comments.

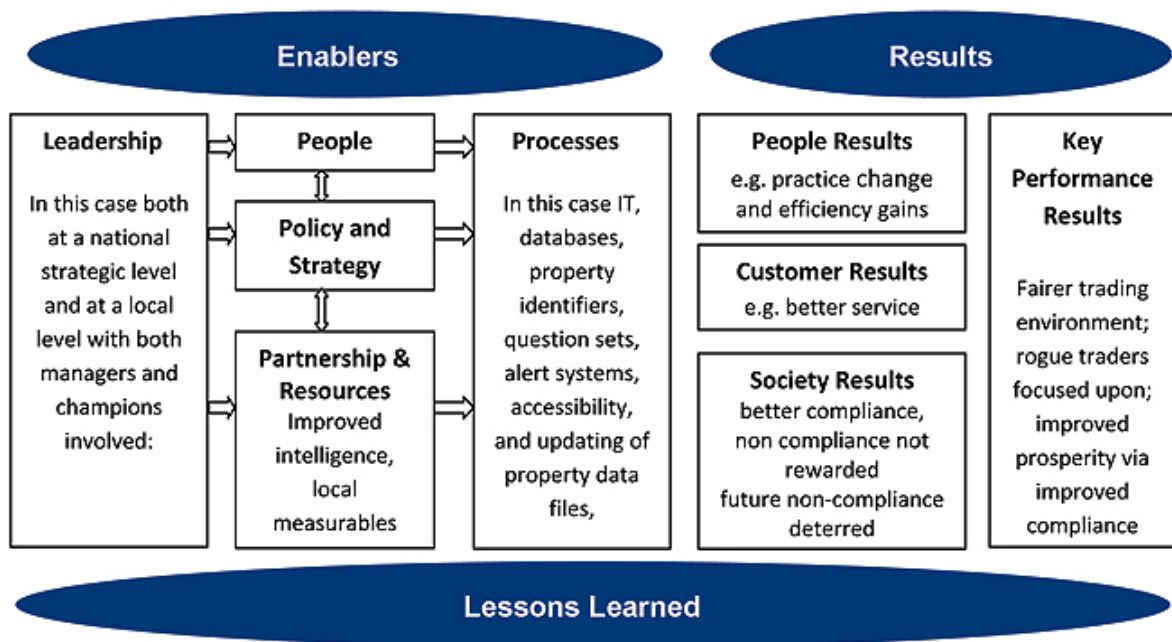


Figure 1: Summation of lessons learnt from REP

Introduction

The Retail Enforcement Pilot (REP) was originally set up by, the then, Department of Trade and Industry (DTI), in 2005, to explore options in relation to the regulation, compliance and enforcement of retail businesses in the UK and an overarching aim to reduce regulatory burden on business.

The concept was in place just prior to the publishing of the Hampton Review (2005)¹ of regulatory services which promulgated the idea of a regulatory inspector being able to cover many enforcement functions. In the case of REP the concept was that an inspector undertaking a visit to a broadly compliant retail business, termed the primary visit, could add on a complementary appraisal of the premises for other regulatory functions. The officer would then act as the “eyes and ears” of the other regulators, passing on information where shortfalls were identified but also highlighting where nothing was wrong.

The underlying premise was that this would reduce the number of visits to individual premises. This in turn would reduce the regulatory burden on business, both in terms of serving and supporting the visit, but also having a single point of inspection within a defined period thus reducing costs to the business in meeting the areas identified as deficient within the inspection period. It was also considered that this would reduce the costs of inspection so that resources could be better focused on premises and practices that posed the greatest risk.

It is important in undertaking such a pilot to consider the underlying reasons for its exploration; the reasons for implicit change; and the prospective improvements that are sought.

Evidence collected through previous enquiry has revealed noted frustration amongst some business sectors in relation to the:

- provision of similar information to different enforcement agencies; (Hampton 2005)¹
- maintenance of paper systems ready for audit and inspection (in effect, providing and managing a system to prove what they are already doing);
- level of inconsistency in advice, interpretation, and enforcement cultures, particularly when experienced over a national scale; (Hutton 2005)²
- lack of provision of advice over use of formal methods to secure compliance; (BERR 2008)³
- lack of an effective mechanism to overcome inconsistencies between councils and resolve disputes; and
- complex structure of local regulators prevents co-ordination and business facing behaviour. (Hampton 2005)¹; DTI (2006)⁴

The concept of REP recognises that businesses face considerable burdens to trade with society, government and Europe wishing them to trade fairly and increasingly ethically; be environmentally conscious and to meet the state's drivers for emissions and waste reduction; protect both the consumer and workforce from increasingly diverse risks; whilst also often reporting on their trading operations.

At the same time it is well recognised that all businesses are operating in a worldwide competitive environ, where macro scale issues, such as global recession, can impact on micro operation and vice versa.

It is, therefore, imperative that regulation should be operated transparently, consistently and at a level that focuses upon the primary risks. It should also be mindful of the trading environment that businesses operate within and of the systems approach that many organisations apply to their practice. Ultimately, wherever possible, regulators should operate on the premise of supporting improvements in overall business practice as opposed to fixing minor issues at a local level.

The Scope, Role and Impact of Regulatory Services

Regulatory services in the UK are complex and widely dispersed. In 2005 it was highlighted that there were 63 national regulators, employing 41,000 staff, of which 12,000 were involved in primary inspection and regulation and 468 local authorities employing just under 20,000 of which approximately a quarter worked on primary enforcement duties (Hampton 2005)¹. This position has been modified at a national level with the merging of a number of enforcement bodies and the reducing in local authority numbers through the creation of the new unitary authorities following local government reorganisation. However there remain a plethora of enforcement agencies and regulation that impact upon the operation of retail business.

It can be argued that regulation and enforcement has a number of roles:

- Protection of the consumer, normally in the form of protection to individual, public health, and rights over service or goods.
- Protection of the environment.
- Protection of the workforce and visitors to premises.
- Creation of benchmarks for equality of trading.
- Transparency on what is required to operate.

It can also be argued that regulation and enforcement creates a number of costs to a business:

- **Capital costs:** costs of implementing legislation on one off basis, from installation of quieter or more energy efficient equipment to provision of fire extinguishers, fire doors and the like.

Evidence collected through a number of enquiries has highlighted that the concerns of business is the conflict of requirements, often between planning, building control and fire service concerning construction and safety related issues (DTI 2006)⁴.

- **Revenue costs:** ongoing costs to support compliance. This may include paid for audits for fire safety, insurance inspections of passenger lifts, provision and updating policies and procedures for safe manufacture, provision of internal audit teams to check that systems are being followed. It would also include response to visits by regulatory officers, information collection and distribution to enforcement agencies, and form completion.

These costs are now considered in all new legislation through the Regulatory Impact Assessment, which seeks to assess the level of cost to business. However, it should be noted that little account is made of the cumulative costs to business, since it is evident that additional legislation, rather than replacement regulation, will add to compliance costs to business.

There are also similar costs to enforcement bodies:

- **Capital costs:** costs of equipment to test compliance for example digital thermometers; noise monitoring equipment, etc.

- **Revenue costs:** provision of systems, policies, procedures and templates, often locally created and duplicated throughout the county⁴, maintaining a suitably qualified inspection staff; servicing an annual plan of inspections; sampling costs etc.

Such provision of service has to be funded through local and national taxation which in turn is passed back to retailers in terms of indirect taxation costs of operation. Regulation, compliance and enforcement therefore costs business in servicing the regulatory system, responding to visits, and through taxation to support enforcement bodies etc. These costs then are passed onto the consumer as indirect costs of operation. Regulation is therefore, a costly business and there has been mounting concern that such costs, wherever possible, should be minimised.

This premise has been picked up through wider cross governmental review of regulatory and compliance burdens on business led by Philip Hampton (2005)¹ and Sarah Anderson (2008 and 2009)^{5,6}, coupled with reviews on regulatory sanctions (Macrory – 2006)^{7,8}, enforcement direction (Rogers – 2007)⁹, together with the creation of the Local Better Regulation Office (LBRO) (2008)¹⁰ and the Primary Authority initiative (2008)¹¹.

In relation to the internal costs of regulation services by regulatory agencies there are also increasing pressures to limit their own costs through better practice^{1,9,12} but more recently as a result of the likely limits on resource available from central government following future strategic spending reviews.

In order to understand the need for change in regulatory practice it is equally important to understand the impact of this regulation at a variety of levels of business. In an increasingly complex world, the level of articulation of controls becomes proportionally complex. It is important for business to have rules and benchmarks for trading, so that they can seek to operate within the prescribed rules, plan for necessary changes and have surety that if such changes are implemented that they should have limited negative intervention from regulators. However such regulation has increased exponentially over recent history.

With such marked legislative expansion it is important that regulators recognise their increasing impact on business and seek themselves to accommodate change. The following tables show the three main types of businesses which regulation impacts and how each category handles regulation:

National Level Businesses

Such businesses operate in multiple regulatory context. There are national agencies; along with national enforcers operating at regional level, for example the health and safety executive; and locally co-ordinated regional regulatory services provided through 2 levels of local authority which will cover food safety, trading standard, planning etc coupled with fire regulation provided by the local or regional fire service. Thus such operations are affected by agencies concerned with one issue and others who seek to control multiple concerns.

There is a strong argument that their service and delivery will be affected adversely if regulation and advice provided by regulators is inconsistent. Decisions on best practice and ways in which to maintain operational compliance will be directed by internal advice but this will require articulation and indeed negotiation with local and regional regulatory officers.

Internally there will be a dedicated resource whose focus will be on ensuring consistent operational compliance. Such a resource will be capable of keeping abreast of changes in legislation, advice, and central guidance and will be in a position to operationalise any new requirement.

Whilst considerable effort will be expended on systems to ensure good practice across the company much effort is also expended in responding to compliance requests from external regulators which it has been argued would be better expended on the business of trading.

There is however a counter perspective based upon the premise that no trading environ is identical. Even with national operators the premises design, resource, staff skill base, local managerial focus and leadership style will differ. Whilst national companies will in the main provide a consistent service there have been routine prosecutions of national operators, surrounding cases of fatal accidents, and serious regulatory breach.

Medium Sized Enterprises

Such businesses also operate in multiple regulatory context with similar levels of national, regional and local enforcement agencies.

Again there is a strong argument that their service and delivery will be affected adversely if regulation and advice provided by regulators is inconsistent. This will more often be caused by a potential for conflicting advice across agencies for example in relation to building design to meet environmental requirements, noise, fire safety etc.

It is possible that there will be a small dedicated resource responsible for specific compliance issues, for example a health and safety/environmental director or manager. Equally this role will often be part of other duties thus diluting the time available to focus on compliance and responding to regulators.

Operating at a smaller scale reduces the overall numbers of enforcement bodies at a local level but at the same time there will be fewer resources available devoted specifically to compliance issues. Levels of experience, cross fertilisation of ideas and operationalising best practice may therefore be lessened.

Small Enterprises

Such businesses surprisingly still operate in a multiple regulatory context with similar levels of national, regional and, most likely a single local enforcement agency but one which again spans a number of regulatory concerns.

There is an even stronger argument that their service and delivery will be affected adversely if regulation and advice provided by regulators is inconsistent or out of proportion to risk. Trading margins infrequently cope well with imposed, unplanned improvements required through regulatory intervention.

It is unlikely that there will be any dedicated resource focused on compliance issues and it will be a function of overarching operational trading to do it in a way that is compliant.

Resource to keep abreast of regulatory change will be limited, whilst the proportion of time devoted to compliance will be demonstrably greater. In this respect it has been estimated that small business devote one day a week away from trading on compliance issues (Anderson 2009)⁶.

With often only single outlets such business will not have access to alternative experiences of compliance, and will have only limited access to "others" ideas through Chambers of Commerce and Business Link and only if they have the time to access it.

Managing the plethora of regulation whilst also maintaining profitability and trading sustainability is therefore of considerable concern. Many such business, however, have highlighted that the regulatory visit is something they utilise as a positive resource, requesting advice and guidance to assist in their operation.

The Agenda for Change

Clive Grace (Chair of LBRO), at the launch of the Primary Authority initiative highlighted that just under a third of all businesses operating across multiple local authority boundaries “perceive inconsistency in the regulation which is applied to them”.¹³

There are inevitable reasons for this, notably differing resource at regulatory level, and differing priorities and objectives set by the regulators. Indeed at an individual level different regulatory officers may focus on specific issues thus creating a view of differing advice, focus and guidance.

Likewise it has to be acknowledged that each business operational site has a unique design, construction and build quality; trading throughput and maintenance requirement making it likely that even for national companies, premises will differ. One also cannot remove entirely the human factors in a system approach, so that responses to regulation, local trading priorities, etc. will differ.

In order to assist in the regulation of national companies, a variety of schemes have been created including Home Authorities for food and product safety, and lead authorities for Health and Safety.

This has been augmented by the inception of the Primary Authority under which a national company will have the entirety of their local authority based regulation overseen by a single authority. Through this it is intended that both “those perceptions and the underlying realities will be tackled”.¹³

At the same time a new initiative entitled “Trading Places” has been set up for local authority regulators to experience, over 2 days, the client side of regulation. Regulatory officers are placed with large, multisite companies and learn with the company about achievement of compliance and commercial operational pressures. The idea underpinning the scheme is to foster a partnership and encourage greater communication between business and regulators.

For smaller and micro businesses the operational picture is very different. Sarah Anderson (2008)⁵ and (2009)⁶ reported that small and micro businesses inevitably, due to their size and location, are not reporting inconsistency but are instead welcoming compliance visits as an opportunity to understand their obligations and “correct their mistakes” (Anderson 2008)¹⁴. They report that they are very often overwhelmed by the sheer volume of regulation, the level of constant change and what they perceive as a disproportionate burden on SMEs. On this point SMEs reported on what they felt was excessive inspection both in terms of volume and variety of inspection agencies.

“We get the AA, we used to have the RSC...we get the Tourist Board inspections... weights and measures can come in, the fire office can come in and then food.”

Anderson (2008)¹⁴

In a point contrary to that of large business SMEs reported a concern over self regulation, suggesting that government was passing their work on to them for example in relation to fire risk assessments. The concern was very much about having to write their own risk assessment and tailor it to their own premises. For small businesses this was felt to be a huge burden.

One comment that is clear from both small and large companies related to the multiplicity of regulators which can and does lead to conflicting advice and regulatory focus which for all businesses, both big and small, creates a level of frustration.

The complementary strand to this lessening of visits is that it was to release inspection resources to businesses who intentionally non-comply or who struggle significantly with compliance. It is felt by all (Hampton 2005)¹ and Anderson (2008)¹⁴ that resources for inspection should be spent more on wilful wrongdoers than on those that seek to comply, but who might make the occasional mistake.

There is a clear driver for change, with both reviews of regulatory practice increasingly common, initiatives to improve practice and consistency and reduce regulatory burden, operation of Beacon Councils to provide evidence of best practice. It is within this arena that REP is set and is very much part of the agenda to change. Figure 2 details the recent reviews and impacts on regulatory services.

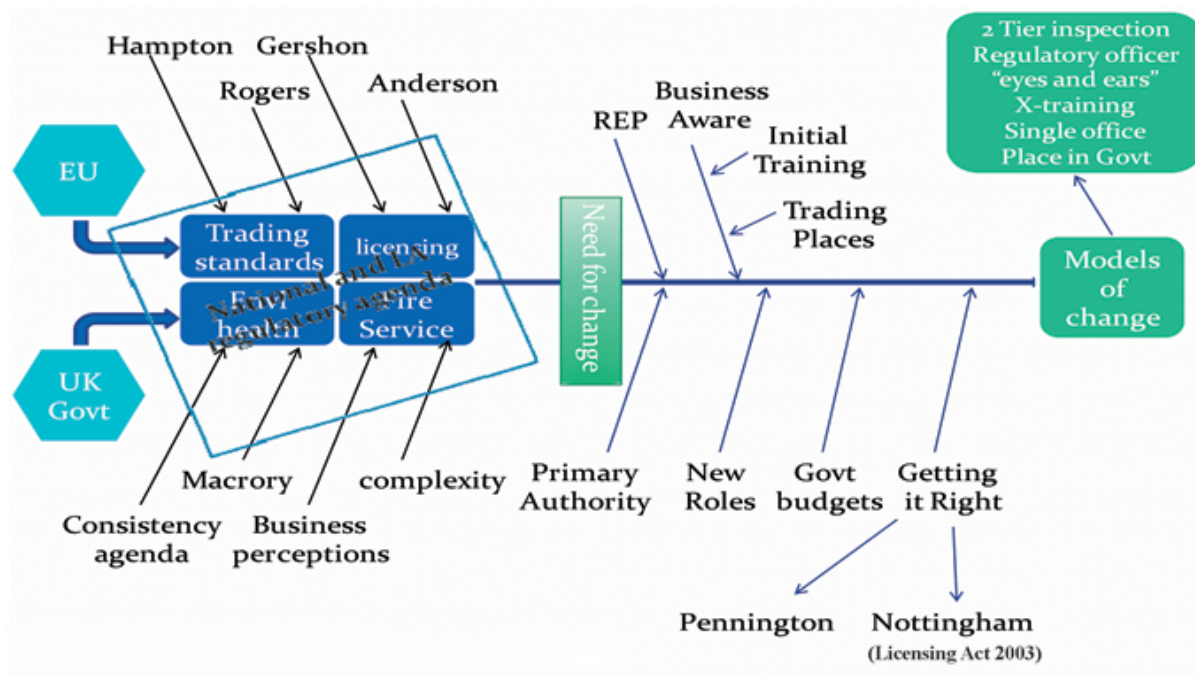


Figure 2: Diagram of the external influences on regulatory practice

Hampton (2005)¹ also highlighted two further points which in many ways underpin the premise behind REP. The first was a concern that regulators act in isolation of each other, with little coordination between them, both locally, regionally and nationally. There is little knowledge of operation of other agencies, timing of visits, or of conflicting advice. This clearly places an unnecessary burden on business operation. A solution suggested in the review was the creation of a generic inspecting officer capable of undertaking the entirety of local authority regulation. Whilst probably a step too far, the idea of an individual officer continuing to undertake their primary role, whilst also monitoring on behalf of other agencies was the basis for REP.

There are two significant, apparent, advantages of such an approach. The first is that there are less visits to the business concerned and such visits will deal with the entirety of their compliance requirements at one point in the year. The second is that there is greater transfer of compliance knowledge between the enforcement agencies thus increasing strategic knowledge of operational compliance.

The Hampton review also advocated an overarching body responsible for national level improvements in practice. He highlighted that in his view:

“The approach to Local Authority regulation permitted wide variations and inconsistencies and the system as a whole was uncoordinated”.

He suggested that:

“Improved consistency at a Local Authority level requires better coordination of Departments and Local Authorities at a national level”.

<http://www.publications.parliament.uk/pa/cm200809/cmselect/cmdereg/memos/trends/ucm3902.htm>

This concept of greater coordination was picked up both through the creation of LBRO and to a lesser extent REP in which partnerships between enforcement bodies were fostered. The concept of regional and local partnerships sought to foster greater coordination of resource and a reduction in reinvention of policy, practices and procedures.

The Scope of REP

The overarching premise of REP was to explore the issues of potential over-regulation, inconsistency in application, and conflict in regulatory requirements between enforcement agencies that could jeopardise the trading position national and internationally of companies based in England, add to costs that a business expends and reduces resource away from primary objectives of sales and production. The focus was upon Trading Standards, Licensing, Environmental Health and the Fire Service as the agents carrying out the bulk of the 2.5 million regulatory visits per year (Hampton 2005)¹. These regulatory agencies have a wide remit covering business operating in manufacture, extractive industries, transportation and freight, and retail premises amongst many others.

The pilot, therefore, was to focus on one specific area, that of retail premises which as a result of multiple outlets in High Streets and shopping centres were likely to experience the greatest number of enforcement bodies and thereby the largest number of inspection in any given period.

The premise upon which REP was based utilised the idea that multiple inspections by each agency over a year could be reduced through finding “coincidences” of visits. Once these were identified a single agency would take a lead and inspect the premises as a primary visit whilst at the same time undertaking a REP inspection of the other broadly compliant areas of regulatory practice.

As an example an Environmental Health Practitioner might visit to undertake a food safety visit. At the same time they would act as the eyes and ears of the other agencies, looking at issues pertaining to Trading Standards, Licensing, Fire Safety and Occupational Health and Safety.

The idea would then be that the number of visits a business experiences in a year would reduce, whilst maintaining surety that premises had all the pertinent risks assessed.

The lead regulatory officers were to complete short checklists for the other inspecting agencies in an effort to ensure overall confidence in business’s compliance. It was an important aspect of REP that professional training and boundaries were respected and professional judgements outside of the lead inspector’s professional area were not expected. If issues were found at inspection other regulatory services were contacted, thus ensuring that appropriate advice was given or action taken to protect both consumers and employees.

Strategic Management of the Project

The initial project brief and overarching policy objectives of REP were to promote partnership between enforcement agencies covering environmental health, trading standards, licensing, and fire safety, operated at local authority level, and the retail sector in order to:

- Agree common standards across local authorities
- Identify and promote best practice
- Set up and test single inspections of retailers, with the view that such a strategy would reduce multiple visits and conflicts in regulatory compliance whilst receiving advice from a single accessible source (although businesses would still be able to approach local authorities directly for specialist advice).

REP commenced, initially under the purview of the DTI then The Better Regulation Executive and onward supervision and leadership from LBRO. Clearly this change of executive control influenced the project's direction, scope and management, as internal organisational focus and personnel responsible for control changed over time.

The remit of the then DTI was very much to ensure the continued trading position of business in the UK and the removal of obstacles to trading practice at a national and international level, whilst still maintaining a fair trading model. On the other hand LBRO is much more about improving the practice within regulatory bodies whilst still focusing on reducing burdens on compliant business. This may appear a subtle change but the level of priority within each agency and thus the support and drive for change may differ.

For those operating the project at the local level, the changes in governance, personnel involved in management of the project and differing reporting lines played a significant role in how the project was perceived in terms of its direction and importantly sustainability.

It is important to reflect that it is not uncommon in government led projects to have strategic changes in direction, alteration of agencies and departmental leads. However, and this is crucial, in terms of learning both from within the project and from the project itself that this increases considerably the barriers to extracting bona fides lessons that can be learned. It also increases the risks to projecting these lessons into a future where direction will be subject to different pressures and focus and in doing so may alter the project outcomes demonstrably.

The initial direction and early stages, including agreed methodology, of the Pilot was supported through a steering group. The steering group consisted of members from central and local government, business and consumer groups.

Membership of the steering group included:

- Gerry Murphy, Kingfisher (Chair)
- Representative(s) from the Environment Agency (EA)
- Representative(s) from the Food Standards Agency (FSA)
- Representative(s) from the Health and Safety Executive (HSE)
- Representative(s) from the Department of Communities and Local Government (DCLG)
- Representative(s) from the Better Regulation Executive (BRE)
- Representative(s) from Local Authorities Coordinators of Regulatory Services (LACoRS)
- Representative(s) from the Local Government Agency (LGA)
- Representative(s) from the Trading Standards Institute (TSI)
- Representative(s) from the Chartered Institute Of Environmental Health (CIEH)
- Representative(s) from the Warwickshire Partnership

- Representative(s) from Bexley Council
- Representative(s) from the Department of Trade and Industry
- Representative(s) from the Small Business Service (SBS)
- Representative(s) from the British Hardware Federation Group (BHFG)

It is clear that this steering group was inclusive of the agencies with involvement in or affected by regulatory services. However, with the nature of business and government and changes to personnel, it is difficult to maintain any continuity of attendance and ownership of the process. Indeed, with the wealth of representation from national regulators, it is apparent that the key guidance which was fundamental to the establishment of the criteria for a potential roll out of the initiative had been overlooked. (It is noted that no evidence gathering took place which would identify if the approach maintained/improved consumer protection throughout the trial period).

It also has to be recognised that the project moved on from the original brief that focused on the reduction in visits to retail premises, whilst retaining the ideal of a partnership with the retail sector, development of best practice in regulatory enforcement, and the evolution of joint working across enforcement agencies within local government. It encompassed, mobile working, remote data transfer, and sharing of data with all partners within the consortia. Again this has had a considerable impact on the operation and reporting back on the project. Positive and negative commentary can be focused on any one of these aspects of the project, potentially skewing views of all those involved. As an example does the inability to log on to the system, maintain connection to the questionnaire and difficulties in uploading of results mean that REP was not a good approach? However, if this is what was experienced in operating REP then it is likely to influence your views of the approach

Selection of Pilot Consortia

Consortia	Members
The Warwickshire Partnership	Stratford Upon Avon District Council Warwick District Council North Warwickshire Borough Council Warwickshire County Council Fire and Rescue Warwickshire County Council Trading Standards
The Bexley Partnership	Bexley Council London Fire Brigade
The City of London Partnership	City of London Corporation London Port Health Authority
Association of Greater Manchester Authorities	Bolton Metropolitan Borough Council Blackburn with Darwen Borough Council Bury Metropolitan Borough Council Manchester City Council Oldham Metropolitan Borough Council Rochdale Metropolitan Borough Council Salford City Council Stockport Metropolitan Borough Council Tameside Metropolitan Borough Council Trafford Metropolitan Borough Council Warrington Borough Council Wigan Metropolitan Borough Council Greater Manchester Fire and Rescue Service

Camden Council	
Cornwall	North Cornwall District Council Restormel Borough Council Kerrier District Council Cornwall County Council Cornwall Fire and Rescue Service
South Yorkshire	Barnsley Metropolitan Borough Council South Yorkshire Fire and Rescue Service
Torbay	Torbay Borough Council Devon and Somerset Fire and Rescue
Hampshire	Fareham Borough Council Havant Borough Council Test Valley Borough Council East Hampshire District Council Hampshire County Council Hampshire Fire and Rescue Service

Note: Bexley and Warwickshire were the original partnerships involved with Phase 1 of the pilot. The remaining partnerships were participants of Phase 2.

As can be seen, the pilot areas represented a wide diversity of partnerships, ranging from the discrete single authority operating across a limited number of areas such as Trading Standards and Environmental Health to those operating across local authority boundaries on a regional level and encompassing all of food safety, licensing, fire safety, trading standards and occupational health.

It should also be noted that some partnerships chosen at inception were altered by the consortia to include other partners, but more often, there was a reduction in those involved. It is fair to comment that it is difficult to determine why some of the consortia went through to formal appraisal.

As a result of these changes in consortia construction it is difficult to determine commonality of impact. For example some of the partners within the consortia had been working together for considerable periods; others already had common data exchange; some of the regulators were co-located; whilst others had none of this in place. Such a differential starting point can be used positively as it provides a mechanism to study the project concept at various stages of evolution over a much shorter period. However, in the case of this project, this was not a planned process and these advantages were not formally utilised to learn lessons for each stage of the process.

Despite the advantages offered to some of the consortia above, of longer term partnerships and common data systems, all the consortia did experience similar issues, which are picked out in the section looking at the lessons learned.

The pilot, in its final stages, was led by LBRO, whose overarching direction was:

"to secure the more effective performance of local authority regulatory services in accordance with the principles of better regulation". (LBRO¹⁵)

The Pilot and report are also scrutinised by the LBRO board:

- Clive Grace
- Robin Dahlberg
- Uday Dholakia
- Ann Hemingway
- Michael Gibson
- Rob Leak
- Rebecca Marsh
- David Thurston
- Graham Russell

It has to be commented that the delivery of the REP project and the lessons that we are able to learn from the project was enhanced by the leadership of LBRO. Their use of regular user groups as a feedback mechanism; the introduction of interviews of managers and evaluative focus groups to extract comments at all levels has provided a huge array of data that has been used in this evaluation; their involvement of research led, independent organisations in the evaluative process is also of considerable merit in trying to extract useable lessons from the REP project.

Mapping REP to other agendas

It is recognised that regulatory practice is undergoing sustained change. Reviews by Hampton, Gershon, Macrory, Rogers and Anderson, coupled with the inception of LBRO all play a part in the operation of regulatory practice. In addition there is the CPA agenda; audits by central departments notably the Food Standards Agency; calls for evidenced best practice from IDeA and Beacon status.

Parallel to this are the drivers for change in the form of local government re-organisation, particularly formation of unitary authorities, which one of the consortia underwent in parallel to the REP project; the national performance indicators regime, along with the imposed government targets for certain regulatory operations.

It would be an odd authority that was operating without reference to the above.

It is fair to say that the need to meet government targets, whether they be visit levels; reporting of activity or spending levels, do distort the tenet of REP. Any one target that needs to be measured and met, will determine resources that have to be applied. If a sanction accrues for underachievement then resources will be pulled away from the REP wider style visits and targeted at more traditional approaches.

It is clear that one such target did exist, the FSA visit programme. It is noted that tolerance in meeting this target was partially provided during the operation of REP, but as soon as the pilot finished so did the derogation. In addition some of the clusters commented that the wording of the derogation was such that they felt compelled to continue to try to meet this target, despite undertaking REP at the same time. This clearly increased the resource commitment to the clusters and therefore did not release the resource that was supposed to be one of the net benefits of operating REP.

The outcome of this nationally applied prescriptive target is that without changes or additional resource there is little chance that REP style visits can be facilitated as the limited resources available to inspecting agencies has to be applied to the meeting of this target, often at the expense of other issues.

In parallel to this are other regimes that impact on retail business and in particular “scores on the doors”. At present the score obtained stays with the business until the next inspection. If that inspection is limited to REP then the “scores on the door” is unlikely to be altered as not all of the issues pertaining to this assessment are covered. This may actually disadvantage business that are seeking to improve and discourage such improvement if there is no demonstrable benefit from such improvement or effort.

The focus of REP was local regulation and changes in operational practice at a local level to improve service to retailers. Whilst national regulators were involved in the scrutiny of the pilot, they were not included in any of the pilot partnerships.

This project makes it abundantly clear that in formulating new approaches to regulation that all agencies, at all levels, need to be fully involved. This involvement needs to be considered in advance to operation so that any barriers to effective change are resolved prior to implementation. Likewise commonality of approach across central government agencies needs to be implemented to avoid disproportionate pressures accruing at the local level.

Lessons to Learn

Looking objectively and with hindsight there are issues arising out of the overarching management of the project. The “loose” management system operated through a steering group led to information passage rather than formalised management of REP and ownership by the agencies.

There are issues that arise out of this form of leadership. Representation through this format is with individual agencies and not with personnel within them. As such, attendance can be determined by local priority and as these change so do the personnel that attend. Continuity in meetings is often lost as new attendees catch up or champions within the meetings are removed. This can lead to a potential lack of ownership or focus.

If there is a lesson to learn, it would be that with pilots aimed at systemic practice change there is a need for a robust and continuous leadership, with formally co-opted membership similar to review bodies such as Hampton, Anderson, Gershon etc. Such panels maintain ownership of the project and are more goal driven, requiring objective evidence of progression, and with authority to invoke changes to direction and content.

The situation above creates the first objective lesson of REP and one that should be considered by strategic agencies when considering future project analysis.

It is also critical to the success of any such initiative that it fits to national agendas and that such agendas and the targets that accrue, accept the local intervention as meeting these national targets. This clearly was not the case with REP. It was necessary to seek formal approval from national agencies that the annual targets would not be applied during the REP project. This derogation took time to organise and in some authorities view did not provide for non-compliance with annual targets. As seen above, this meant that some authorities conducted both REP and inspection regimes and in effect duplicated effort.

In future, much clearer liaison between national agencies will be necessary to ensure that such dichotomies, as exist, are removed. This project was focused upon local regulation but it is clear that there is a need for central agencies to be part of the partnership for change, and that they all need to be involved in the management of this change through commonality of approach.

The second point to learn for future projects is that more consideration should be given to robust research methodology. In the case of REP one can see the use of clusters, with each cluster representing similar style authorities. With such a method applied, best options for differing partnerships can be determined. Issues of size, location, similarity, partnership range, and length of partnership could then be analysed.

In the case of REP due to the diversity of the types and range of partnership conclusions on effectiveness are more difficult to establish. Whilst an overall set of lessons can be learnt, their application to each partnership cannot be extrapolated to other agencies or future partnerships. Having said that, the themes that all of the consortia experienced, to differing levels, are critical to the effective operation of any similar project, and those considering similar approaches can learn vital lessons from those involved in these pilots.

Thought should be given to engaging with knowledge transfer partnerships between academic institutions and strategic agencies and the Local Authority Research Council Initiative (LARCI) pilot partnerships between local authorities and Higher Education Institutions. Both schemes are fully supported by external funding and are advocated by government.

Finally there is also something to learn from the naming of projects, in this case REP needed reflection since the operation was not about enforcement but hazard spotting and intelligence gathering, so that resources could be moved away from the compliant premises to those where more input is required. In addition Hampton, Macrory and Anderson commented that the reliance on traditional enforcement options was not appropriate and indeed there is a need to move away from enforcement to advice giving and support. Thus in many ways the inclusion of “enforcement” in the title potentially provided the wrong focus. In this respect, one of the lessons that was learned by those involved in REP was the need to enhance officers knowledge so that they could provide advice and guidance across a range of disciplines.

REP Methodology

Regulatory bodies over time have created a range of risk assessment protocols that determine the frequency of inspection of business premises. These risk assessment tools provide a grading based on criteria, such as confidence in management, with higher risk premises requiring more frequent visits.

Details of all impending inspections were collated to determine whether there were “coincidences” of visits which could enable a single planned visit to be undertaken. Where this was identified the primary risk was also established so as to determine which inspecting officer should visit. The retail outlet was then subject to a full inspection carried out by a lead officer who was professionally qualified in the area of primary risk. Where the retail outlet was deemed “broadly compliant” (roughly 75-80% of the outlets) (LBRO 2009¹⁶) in other regulatory areas, then the premises was requested to take part in the REP inspection.

In essence this requires the completion of a checklist at the end of the visit covering the other areas of local regulation. The checklist was developed electronically with officers inputting data into hand held devices or tablets. Materials from these inspections could then be uploaded to a central database and any non-compliances or issues of concerns were then forwarded electronically to the appropriate regulatory agency for consideration as to the correct intervention. This may have constituted a further visit, or provision of leaflets, telephone contact etc.

It was noted early on within the pilot that the number of coincidences of inspections was limited, with one cluster suggesting that it was as low as 3-4%. This will be explored more in the Lessons to Learn section however, this required an amended approach in which some premises who did not have co-incidence of inspections, being identified to have a primary visit followed by a “REP” evaluation. Whilst not necessarily reducing the number of visits to the retail premises, due to lack of co-incidences of planned inspection, the process did aid in providing greater evidence to other regulatory bodies in order for them to risk rate the premises for future inspection.

In order to include all retail premises and to enable the databases of each partner to be linked together, IT partners were introduced who were responsible for pulling together the disparate internal databases. These data sets were often held in differing formats, styles and on a multitude of operating systems. An important part of the REP pilot was, therefore, instigating a comprehensive data cleaning exercise to ensure commonality of data between the partners and the creation of a single data base from which all the partners could operate.

Finally process for notification to other agencies of the results of the visit had to be created with internal rules in each partnership established on how these would be monitored, to whom they would be sent etc.

It is worth noting that the Greater Manchester Consortia developed a different approach utilising a Business Compliance Audit which was undertaken completely separately from the primary inspections. A checklist was utilised by officers who checked both premises and its management to determine existent levels of compliance. This meant that broadly compliant premises involved in the Business Compliance Audit were not subject to a primary inspection, but where failings were identified, a referral was made to the appropriate inspecting authority highlighting the severity and type of failings to enable appropriate intervention.

This approach and the skills required are currently being reviewed by Salford University, along with the concept of a knowledge development module to support officers undertaking these audits.

The diagram below was provided at the initial REP Stakeholder meeting operated by LBRO in October 2008 and provides details of the four main areas to be explored in the compilation of the lessons learned and the scope and concepts behind the project.

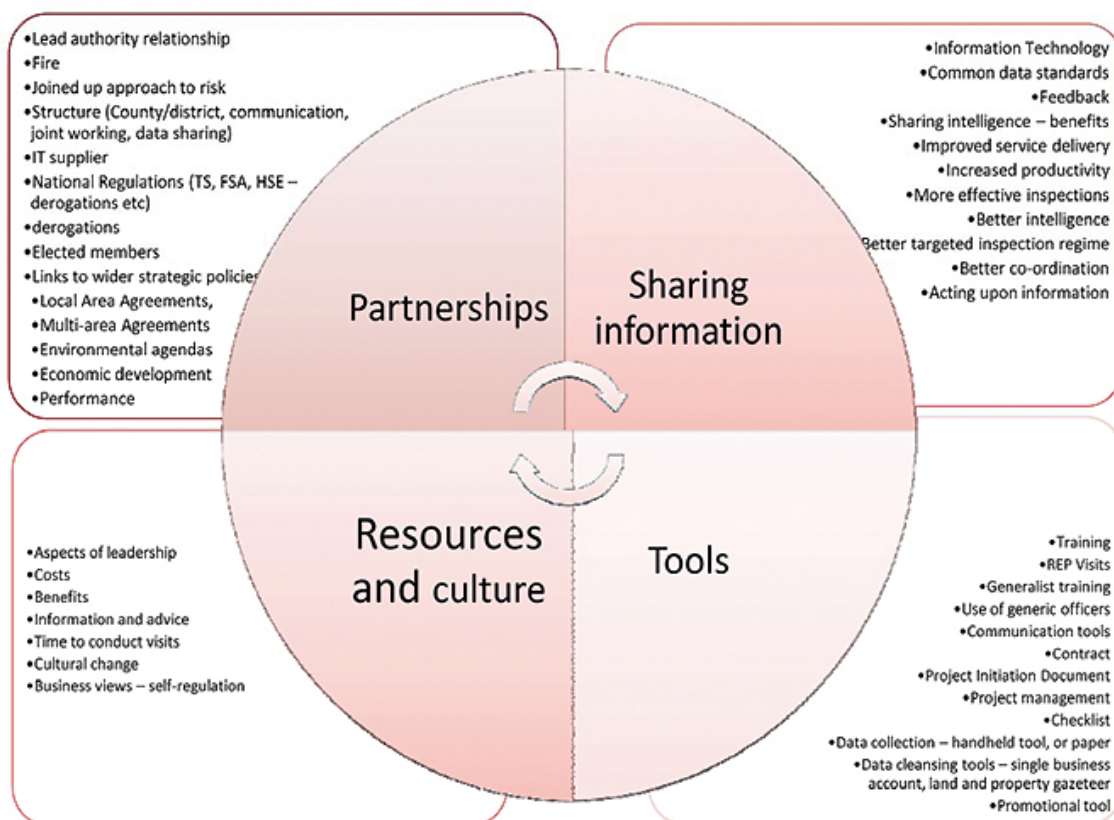


Figure 3: REP Benefit: Stakeholder Briefing. Source: LBRO (2008)

Evaluation of REP

Approach and Methodology

A mixed qualitative methodology was utilised to appraise the effectiveness of the Pilot. This consisted of 1:1 cognitive interviews with the operational leaders of each pilot consortia conducted by one interviewer to maintain consistency of approach. This was conducted using a semi-structured interview approach using framework questions to ensure continued direction but also enabling themes to be explored and secondary questions for clarity to be delivered. Data from these interviews was collected via tape recording and notes.

This was augmented by focus groups conducted with field based staff from each of the consortia. A number of themes were utilised to analyse their experience of and within REP and how the pilot operated in practice. These themes explored partnership development, barriers to operation, and perceptions of impact on business/clients. Again, data was collected in the form of notes and tape recordings of the focus groups.

Transcripts of both the 1:1 interviews (n=48) and the focus groups (n=6) were created. These were then uploaded to a qualitative data analysis programme N-vivo which is a specialist analysis package used in social science research enabling organisation and classification of non-numeric and unstructured data as provided through the method above. The software enables examination of data relationships through linkage, shaping and searching of the data. Ultimately it provides for question testing and trend analysis and extraction of text/quotes to build a body of evidence to support a case or argument.

A further informal data gathering/analysis approach was adopted through the creation and operation of quarterly user group meetings. These meetings provided opportunities to explore initial findings and to seek confirmation on these findings based upon the views of those operating the consortia. This was undertaken 3 times.

The analysis of the collected data was conducted using four primary themes of:

- developing partnerships,
- sharing information,
- resources and culture, and
- ICT and tools.

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Findings of the Retail Enforcement Pilot

Theme 1: Developing Partnerships

One of the primary aims of REP was the bringing together of different local regulatory bodies, spanning environmental health, trading standards, licensing and fire safety. Thus it is important to explore the effect of this and the outcomes that were evidenced through the REP process.

Positive Commitment

Examination of the interviews from focus groups and user group meetings revealed a strong commitment of all those involved wanting this to work. For some this was in recognition that something will need to alter to accommodate the reduction in resource available to enforcement in future years; for others it was the scope for additional responsibilities, understanding of others regulatory practice and the need to provide an improved level of service to clients visited.

All of the evidence points to all those involved wanting the pilot to work and being part of the process of improvement in service. As a result there was a huge commitment demonstrated by participants to overcome barriers that became apparent in the pilot and indeed a stated desire for a continuance of collaborative inspection in some form.

In addition to this positive commitment from the field officers came a demonstrable commitment from all of the consortia leaders to co-operate and communicate collectively and learn from each other. Leadership from LBRO in the form of the User Group meetings facilitated active learning between the REP representatives.

One very clear advantage demonstrated by the pilot was that there was some really useful liaison, strategic visioning that would not have happened but for REP.

Evidence:

There was a clear understanding of the potential benefit to be gained across all the areas of the REP pilot and the need for change.

“I see REP as a vehicle for me to take the organisation and the department I’m responsible for forward. I think REP’s got to evolve, as I think we’ve got to evolve. Electronic transfer, data information, data sharing and communication between the regulators has got to get better than what it is. I think we’ve always been very good and I think we’ve always been very informal but in an ever changing world, and not just because of the economic climate, but in an ever changing world, those informal methods of working, whilst they’re effective at the delivery end, don’t stand up to audit and scrutiny which is what we’re being judged against on a regional and national level.”

Managers recognised the strong commitment of their staff in all clusters:

“They’re open to change anyway, they’re not a team that’s sort of sat back and, you know, not going to change their ways, on the whole, I would say 90% of the team were sort of ‘yeah, let’s have a go and go for it’. We had one or two people who were a little bit more resistant but that was just, I think, probably a little bit of fear about the hardware and the software and just needed training really”

Participants in the pilot could see the benefits of officers sharing knowledge and freeing time to target resource at high risk businesses.

“You’ve got to look at the training of officers and the competency. If you’ve got somebody going in looking at food, how competent are they to actually realise that they’re being spun along. And vice versa for food officers talking about other disciplines. It’s good if it frees us up to go into the high risk businesses where we are needed, yeah, it’s good and I’m all for it.”

There was a strong commitment by all to achieve the pilot objectives.

“Looking back, it worked pretty well, you know, there were, as with all projects, unexpected demands on people. They rose to those challenges and generally, the milestones were achieved on time.”

The process formalised partnerships and strengthened the basis on which they operated:

“Most of what we alleged were partnerships were nothing more than working practices or informal relationships; they didn’t meet a formal partnership agreement. REP met all the criteria for a formal partnership agreement. There was synergy between all the authorities, regulators, call them what you will, strategic visions, core aims; there was synergy between the aims and objectives. There was the same level of commitment and there were measurable outcomes and there was an evaluation process.”

One of the other clear benefits was the active communication between professionals and with other REP pilots under the leadership of LBRO and the ongoing quarterly consultation with users (officers) which was used to foster genuine service enhancement.

Lessons to Learn

It is very clear from the process that the officers involved were genuinely committed to the process. They were all willing to explore alternative delivery of service and to the concept of improved services to business.

There is a considerable coverage via the media that regulators only work in one plane and are not able to adapt, applying legislation in black and white fashion, without thought to its impact on business.

The evidence collected through this study clearly shows a considerably different picture with officers operating flexibly and with considerable pragmatism in overcoming many barriers to achieve a satisfactory outcome. The evidence collected through REP also shows that officers are committed to the concept of a business facing service.

This pragmatism is a demonstrable strength of the officer and those managing regulatory services. It is both a clear finding and a lesson to be acknowledged and one which may go some way to countering the media coverage and business perception of inappropriate invention.

The success of the pilot was related to the support of the service providers in trying to get the most out of the process. Given a problem to deal with or barrier to operation to overcome and the regulatory bodies involved did their utmost to overcome it.

Human Factors: Emotional Cycle of Change

One key aspect of the interviews completed was that the officers involved all went through the emotional cycle of change. As highlighted many officers showed a very positive attitude to the pilot, in particular, when communication was good around the purpose of the pilot. This was less so when communication, purpose and ownership were not clearly articulated.

Many started with 'uninformed optimism' looking forward to the perceived benefits of mobile working and other implied benefit accruing from being the first to try out the initiative, this turned to informed pessimism when the project was delayed or hardware/software problems arose, this turned to 'informed optimism' when these initial problems were resolved until the cycle was 'completed' and a stable way of working was arrived at, even if the processes and equipment may not have fulfilled all the earliest expectations.

The emotional cycle involved norming of the process and agreeing methods to accommodate or overcome both real and perceived difficulties. This included reverting to paper copies to complete the task when the mobile technology was deemed not to be assisting the process.

Evidence:

The pilot was approached with a high level of commitment by officers and with a clear understanding that whatever the approach, public safety had to be protected.

"It wasn't a problem, potentially it could have been, and that's what actually scared the living daylights out of me, because I thought, you know we're still dealing with people's lives... we're leaving businesses open that could potentially cause food poisoning and all that, and I thought, 'You know hold on a minute, we're not playing at this, this is quite serious.'"

Communication was essential to set out the purpose and scope of the pilot:

"There was confusion to start with and it's probably gone across the board; concerns that they were going to be doing something out of their competence and equally, even stronger concerns that someone else was going to be doing their role. We had to be really clear around the out of competence and about it being just eyes and ears and the focus was on you're just being the eyes and ears."

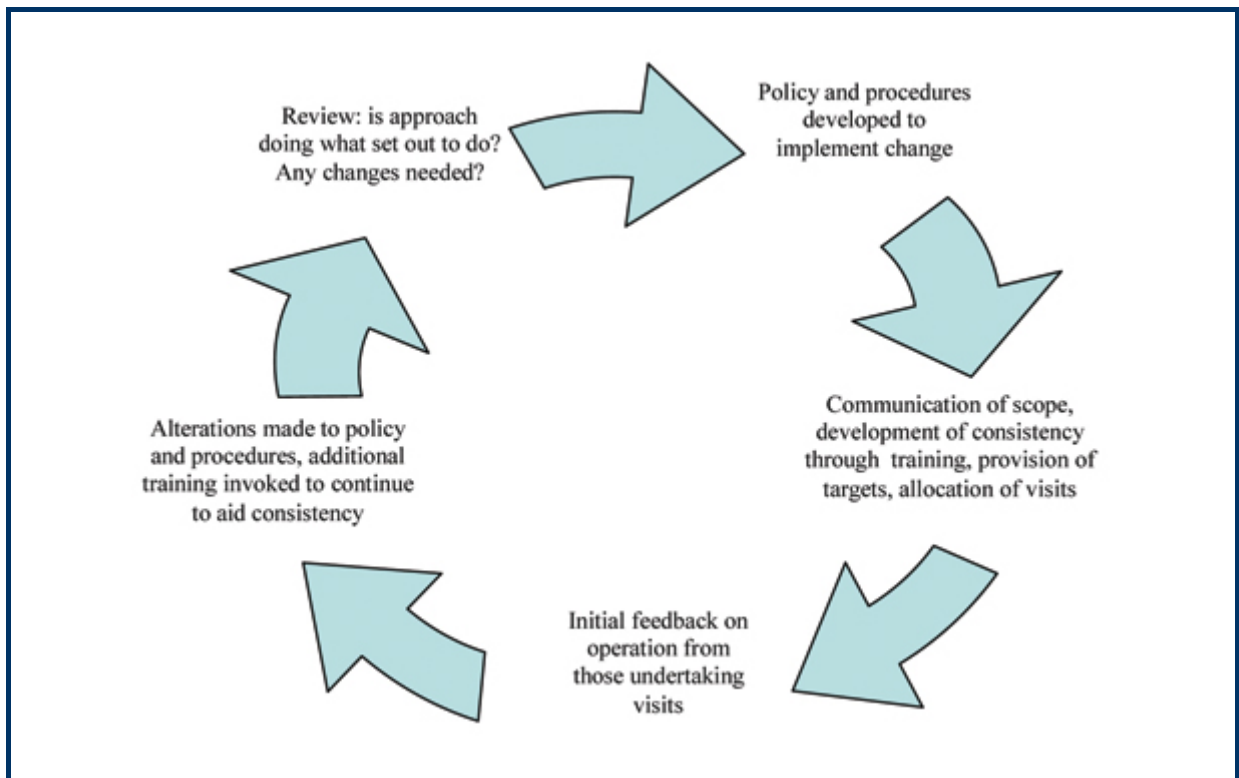
Lessons to Learn

Communication and consultation with officers is key to manage the perceived benefits and manage their engagement. This was best achieved through champion groups or an internal champion from field based staff or in the form of a project manager, which was used in a number of the more complex pilots, and clear communication from managers to officers. In many cases this champion was formally appointed to a specific leadership role within the REP project but in other cases was someone from within who truly saw some additional benefit of REP and was keen to further its development.

In addition a further key to success was officers being able to communicate areas that were not delivering benefits and receive acknowledgement that their comments were valued. Where this did not happen there was clear frustrations exhibited and erosion in confidence in the process. It is an important lesson to learn through the REP process to inform participants early where their observations can invoke change and where, in other areas, the process is fixed. Whilst some concern may be exhibited in relation to the issues that are immovable, such information does at least provide certainty and removes any frustration that change was promised and at a later date proves unavailable.

If REP or similar scheme were to be repeated regulators involved should consider early communication with all staff involved. Active debate on efficacy should be encouraged to establish both ownership of the project and to elicit a champion from within.

Regular updates and feedback loops should be established to ensure that initial barriers and learning opportunities reflected upon. This establishes an iterative cycle of problem-applied solution-reflection.



Delivering a Better Service to Business

Prior to commencing the visit the idea of REP was highlighted to the proprietor. In virtually all cases at this stage the staff involved in the pilot highlighted that the business owner was happy with the concept of reduced inspection and oversight.

Thereafter there were two primary approaches adopted in relation to REP visits. The first was to undertake the primary inspection as normal and then to undertake at the end a REP appraisal using the template questionnaire.

Many officers highlighted that this provided for consistency in that you focused on the questions in hand and received the required answers directly. However a number of officers highlighted that after a long visit both the proprietor and inspector were tired and that it did not facilitate a good process of inspection to add it onto the visit. Some officers also highlighted that the business owner may not be the most appropriate individual to question as they needed access to other's knowledge and information in order to answer the questions.

For many of the officers it added a considerable time with up to 40 minutes being spent on this task. This potentially lessened the impact of the efficacy of the visit with many of the staff involved in the pilot suggesting that proprietors were less convinced by the process at the end.

The second approach was to undertake what has been described as a dynamic visit. In effect running the REP visit in parallel with that of the primary visit, noting issues pertaining to REP for use later on. This had the effect of reducing the overall time committed to REP at the end of the visit which on average was around 15-20 minutes.

It was noticeable from the focus groups that the differing skills sets offered by professional training to a degree steered the approach. Officers trained in single discrete areas tended to follow end on questioning as opposed to dynamic observation, whereas those with a broader skill set were able to accommodate a more observational approach.

It was noted by virtually all the officers through the focus groups that the REP approach did on occasion push their knowledge and professionalism. In particular they highlighted that on occasion they could not answer some of the queries raised by the business and that this made them and the business uncomfortable. Many reported that businesses felt that REP lessened their access to professional advice; something that they felt was of value to their business. This is underscored by Sarah Anderson's^{5, 6, 14} work which highlighted small and medium-sized enterprises valued the inspection as part of their own management of regulation.

Another aspect of the process related to the concept of REP in premises where major non-compliances were noted during the primary inspection. It was felt that in such instances the REP visit would need to be put aside so that the primary visit could be completed.

Evidence:

The evidence supports the wide range of time to complete REP and resultant impact on retailers time.

For those confident with the IT then time was not a factor:

“If you don't mind the technology you can get through it quite quickly so I found that I could do them in about 15 or 20 minutes. So it wasn't a time issue particularly.”

For those with IT difficulties this could stretch to 3 times the shortest time

“We had to link through Vodafone and through the laptop, you then get a wireless connection and a database link which is very, very slow for a REP visit. The average time on my visit, turning each electronic page over, and because of the wireless network times it is 47 minutes.”

And there was awareness that the impact on business as well as time involved was dependent on who was available in the store to complete the answers.

“I think it was also the full time attention of whoever was working, in charge of the shop, now if you're in a larger shop or factory environment and you can have someone spare the time that's not a problem, but if you're in a shop with a single person, you're interfering with their trade to a huge extent.”

After an alert, advice was provided through either standard letters or a note was made of the information gathered. This comment is typical of the approach taken by officers:

“What we developed was standard letters, standard packs; they don't go out every time because for example I had one last week, an alert, it was a small corner shop; yes it had vehicle movements because they happened to have a car park next to it. So obviously that goes on our system but we would not send any information out on it.”

Lessons to Learn

One of the primary concerns expressed by business that has led to the agenda for change in operational practice related to consistency of practice. It is vital if REP is to be seen to comply with this agenda that there is a common approach to a REP visit.

To achieve this clear support through officer training both prior to implementation and thereafter at routine intervals would standardise and share a best practice in a REP visit.

Iterative learning cycles should also be adopted to bring together officers to learn how others are operating. Flaws in IT, question sets etc could then be explored and approaches to mitigate such issues employed.

One of the underlying rules behind REP was that the premises needed to be 75-80% compliant for a REP visit to be deemed appropriate. Rules around when a REP visit should not be completed would be useful.

Thought should be given for future schemes to linking REP visits to linking findings to outputs, for example development of standard letters and guidance leaflets that are triggers if issues are identified. This would reinforce the value of REP and the efficacy of the process. Businesses would also benefit in receiving appropriate advice and guidance rather than a further visit. Officers can presume in premises that are 80% compliant that such issues as identified will be appropriately followed up by the business that has been so advised without the need for further intervention.

Leadership

There was very clear evidence from both the interviewees and the focus groups that the individual and department seen to be leading the initiative had a considerable impact on the clusters. This was both in terms of their formation, and inclusion of a wide partnership; and continuation of REP despite the barriers to its operation.

In some cases the leadership style or personal concern over the efficacy of REP impacted detrimentally on the pilot with team members taking up this lack of support as a message that REP was not valued. There is some evidence that for some clusters the net benefit was in the obtaining of tablets and PDAs to support mobile working.

It is fair to say that where the clusters had strong leadership and a clear champion that the pilot operated well and sought to overcome all the barriers involved with a clear desire for something beneficial to come out of the process.

Leadership however was not confined to the clusters, with national agencies involved in the inception and implementation of the pilot. The leadership here is problematic in that a myriad of agencies have been involved in the strategic leadership, including DTI, BRE, and LBRO. There is a criticism that arises in the operation of this project in that initially there was a general lack of understanding as to how local authority regulatory services actually functioned as well as poor continuity of care or formal ownership of the pilot. This led to several "kick starts" being needed throughout the project and a need for a more focussed approach.

It really is only at the stage that LBRO took formal control of the pilot that true leadership and a want to learn from the process became fully evident. Indeed it can be argued that without this leadership from LBRO, the use of User Group meetings, and stakeholder briefing that REP would not have continued and the learning that has been created would have been lost.

Evidence:

On the transition between executive agencies:

"I think it went through some difficult phases. I can remember meetings here where there were really difficult discussions. We felt the goalposts were being moved all the time. But then when it was taken over by LBRO we felt we have got a bit more of a green light to get on with things. I would say was since it has gone to LBRO I think we have got a much better relationship."

On the issue of governance and central leadership:

“Trading standards are under DTI, and BER. Food, environmental protection etc., are dealt with under CLG. And then your cabinet office is in the middle saying we want better regulation because this is the way forward. So what you’ve got is totally un-joined up government or disjointed government nationally trying to force a local solution when they don’t actually know what is being done”

On the advantages of positive local leadership and fitting to local agenda:

“I was given half a day a week for the entire project which enabled me to focus on the barriers and how to fix them for the teams”

(Taken from the User Group Meeting 10th June 2009)

“I sold it mainly on the back of better regulation. That the region will always try and lead on the things and not wait for it to happen, so get in there to influence it rather than being on the receiving end, and that’s an attitude we’ve taken on a lot of things. We’ve been involved in numerous pilots and it is all part of a culture change. This is an agenda that’s happening. Get onboard or you’re going to sink. My leadership style is quite close to staff but it also tries and lets them know that I’m trying to ensure that their future is right and trying to get them on my side and that is quite important. That’s been a, I must say, quite a rocky road with REP because I did have a massive, massive reaction to it”.

“He’s taken Hampton forward and we are where we are partly because of his leadership, but all partners have recognised that if we want the region to be buoyant then there’s got to be a significant amount of commitment to supporting business because without the business you don’t generate wealth. Without the business you’re not giving people opportunities for employment, without that you’ve got a knock on effect on anti social behaviour, disenfranchisement etc. And it’s fascinating, I suppose it’s an obvious statement but when you overlay a map of social deprivation with a map of the incidence of fire, with a map of the incidence of anti social behaviour, criminal activity, educational sub achievement, unwanted teenage pregnancy etc, it’s all exactly the same.”

On the issues arising out of lack of leadership

“I always felt there were some lessons that I could have learnt from it. There were issues with the way we project managed it or, in this case, project managed it poorly. I think we needed greater leadership and a champion. I think we would have benefited from a champion and I think we might have been a bit more high profile with members. But to make a champion, you have to do some work.”

Lessons to Learn

Both local and national leadership of any such pilot is vital. Those involved in local leadership need to be committed to the role and whilst other external influences and priorities may lessen this over time they must remain committed to the process throughout the trial period.

Commitment to the pilot must also be communicated clearly to the practitioners involved in the inspection to maintain commitment by all those involved.

Theme 2: Sharing Information with other Agencies

Part of the concept behind REP is the idea that an officer from one agency can identify a range of issues that other agencies may wish to be aware of. There is no expectation that the lead officer will take action outside his/her competency, but instead will pass on information to other agencies for their action. Clearly therefore there is a need to ensure that the passage of information is accurate, useful and timely.

Highlighting Poor Practices to other Agencies

One of the underlying principles of REP was to facilitate officers being the “eyes and ears” of other agencies and to incorporate a facility to alert other agencies when issues they should be aware of were noted.

It was apparent through all of the focus groups that “alerts” were being handled very differently by each consortia. In a time of critique over consistency in approach this would be difficult to maintain in any further adoption of REP.

Some authorities took the view that there was a need to visit all alerts. This clearly is in opposition to the principle of REP to reduce the number of visits and regulatory burden on business. Adopting this approach actually added to the resources required to operate and added to the number of visits the business received.

On the other hand one consortia operated a filtering system in which the manager reviewed all alerts before considering referring it on. This resulted in virtually no alerts reaching the field officers.

Part of the latter response was a reaction to concerns over the value of the alerts, with comments being made that the initial question set created the wrong alerts. This reiterates the need for the question set to be both appropriate and risk focused so that the alert system set up identifies appropriate levels of intervention. This could be in either in the form of a requirement to visit in severe cases, or the issuing of standards letters or advice.

It was also clear that in certain partnerships, or where the regulatory officers were co-located, there already existed, an informal alert system. Officers reported that they were used to informing other agencies of a need to intervene and would often ring them up, if at distance, or if in the same office just report it directly.

Evidence:

There are examples when an alert generated intelligence that led to enforcement action that reduced the risk. The example below is from a fire officer:

“We wouldn't normally target a Takeaway on a High Street because we see that as a lower risk and we wouldn't normally have gone around there, but because of the intelligence we've received from the REP alerts we've gone there and these are high risk premises where we've had to issue an Article 31 Notice, which is prohibition notice on that premises to bring it to a standard that people can actually sleep above it safely. From our point of view we successfully identify intelligence received on these occasions and target the risk. “

However such beneficial sharing of knowledge was diluted when the transmission of alerts was poor and led to poor sharing or a lack of sharing of information. The causes were multi faceted and it is an area that the pilot identified as being a challenge for all the clusters.

Below are a selection of the issues and solution raised by the clusters.

- A need to develop awareness of who was the appropriate contact:

“That was one of the areas that probably could have been improved by us in as much as that the information got through, but not always necessarily to the right officer because they weren’t aware of who to send it to. But that was our fault rather than a fault with the system, and that could have been improved certainly.”

- A need to have robust IT and the flexibility to add additional descriptive commentary:

“I think they’re still in cyberspace somewhere, some of the audits, so the alerts are still being generated. The other problem was that the scripts didn’t allow for free text, so you couldn’t write down on the script what the problem was. So it did need a telephone call ...”

- A need for the process to have a filter that only sent emails when necessary to communicate and alert:

“The processes kept getting stuck as well, so one process would generate 17 emails, 17 alerts, so I think he lost his patience to be honest by the end of it because he was just getting loads of emails and to be able to sift through them all was a job in itself to find out the alerts.”

- A need for the emails to contain useful information that was held in the report which was achieved to a different degree by different clusters.

“Useful information wasn’t always being fed back. It’s only the questions with alerts that you were getting definite information about. Actually some of the other information could have been useful if you read the full report. Also some of the questions were worded in such a way that they didn’t make sense or encourage us to comment, or they weren’t as helpful as they could be”

“Also in terms of the information that came through on the alerts, we actually changed the format of the alerts to make them more useful because what Officers were saying was that they needed to have the whole picture, not just the one little bit of information that was considered to be a matter of concern”

- A need for the level of risk that triggers an alert to be set by the different teams related to how they prioritise their visit plans.

“Most of the premises we seem to get are to an extent Food Standards and Trading Standards places, which are probably high risk to someone, like a Chinese Takeaway. However, if it lands on our desk and we think ‘I’m just not interested’ because we would never normally go near the place. If it’s not going to kill a few people then I’m not going!”

- A need for alerts to be targeted on issues that need action.

“This is three months of alerts that I’ve received. Out of these I would say 50% of them require action.”

Lessons to Learn

It will be important in future iterations of REP style projects that a functional alert system is created. This must provide both detail on the issue and the level of concern expressed by the visiting regulatory officers.

This can be solved through a 3 stage process. The first being to ensure that the question set identifies those issues deemed of greatest risk to all agencies concerned. That there is scope within the question set to identify either numerically or through provision of detail the level of concern with the issue. This will enable an appropriate intervention to be employed by any other agency involved. Finally the system must ensure that the alert is sent and received by the appropriate body so that an operational decision on intervention can be made.

Whichever system is created it must ensure that there is appropriate information transfer. If information is inaccurate, lacks detail, or does not reach the correct inspector there is a risk that this will leave authorities blind to risks identified through a REP visit. If REP is installed such that future visits, by the other agencies, are removed then there is a concern that business may continue to trade with apparent risks. This is contrary to one of the underlying principles of REP which was that its operation should not compromise public health or trading risk.

Improved Intelligence – Coordination across Agencies

The level of improved intelligence appears to have been different across the agencies involved in the pilot. In most cases the net beneficiary was the Fire Service, with greater information accrued on fire risks, in particular knowledge of the location of LPG and other pressurised cylinders.

It is important to note however, that this net benefit accrued to the entire fire service, including operational fire crews who would attend fires, but was of less benefit to the actual fire precautions staff. Comments were made that it added significantly to their resource commitment in servicing all of the alerts, which in a number of cases were identified as being unnecessary.

There are a number of issues that arise from this. The first relates back to the question set identifying the most risk based issues. In relation to fire safety, whilst the questions did focus on significant risk, the lack of prioritisation available on the question set meant that these risks could not be effectively determined. As such regulatory officers felt, initially, that visits to all alerts were necessary. This significantly added to both their time but also the number of visits a retail premises received. Over time responses were reduced and in one cluster were not followed up at all, thus potentially hiding a high risk premises from the inspecting agency.

A common theme within the pilot was the lack of added intelligence received by Trading Standards. Throughout the focus groups it was clear that this group felt the least aided by the REP question set and the intelligence it provided. Deeper questioning of this group was undertaken in later focus groups to establish if there were question sets that would have provided them with information that they felt was of value. A number of question sets were determined showing that it is possible to devise the checklist in such a way that it would be of benefit to all participants.

One cluster invoked a fundamentally different response to the alert system. In their case combined visits by a number of officers was instigated and the premises was effectively blitzed at one point to seek comprehensive improvement in operation.

This latter point underscores the position that rogue traders may be known to a number of different regulators, but that action is routinely followed through independently of the other agencies. REP provides the opportunity to share information and a response with coordinated action can be taken to resolve all the issues and deliver the level playing field that is in all businesses interest.

Some of the clusters identified that such shared intelligence would also assist in supporting new businesses where there can be coordinated support if agencies are aware simultaneously that they have started trading.

There were also other comments raised in relation to the impact of improved intelligence:

Regulatory officers are equipped with better information and are able to be more professional in their approach. Knowing that a premises is deemed broadly compliant in one area adds to a sense of confidence in management, likewise if an officer is aware that the premises is deemed unsatisfactory by another agency they can apply more scrutiny to the primary inspection.

There was evidence of greater engagement with other officers, greater understanding of their roles and operational focus and a development of mutual respect. As such it added significantly to team and bridge building between enforcement agencies.

Whilst there was some concern over the type of information sharing an underlying observation was that the process did provide for more formalised information sharing. REP checklists provided a written, rather than verbal, reporting system and thus ensured that the coordinated data set was updated providing all officers with an ability to review current actions and concerns.

By operating REP in the way it was established, with the REP checklist applied during or after a primary inspection the participants felt that their competencies to undertake the primary inspection were maintained but that their understanding of others roles and their own experiences were widened.

An observation made in two clusters was that REP provided a way to maintain a Trading Standards inspection routine, through visits by other officers, while allowing Trading Standards to move away from premises orientated inspection to a more intelligence led approach and to also investigate illegal trading practices that are not premises based, for example internet trading and leaflet led trading.

A number of participants pointed to others within the local authority who could add to the intelligence held by the regulatory bodies and pointed to town centre managers who could collect and add to the data gathering process and share that information with regulatory officers.

One observation that was made was that REP style work could for some officers increase awareness of other areas that might influence future career choices and expand their horizons into possible areas of personal development. Whilst not directly expressed it is clear that a greater understanding of others roles would assist in management career choices, opening up options to manage wider teams.

Evidence:

Fire teams were the benefactors of additional intelligence being received:

“We’ve had a lot of e-mails from these guys on what they’ve found. We have got quite a rigid list of premises we did go out and inspect and we don’t often go outside those perimeters unless we get certain complaints or they’ve highlighted certain issues that probably we wouldn’t come across on a regular basis. So as a positive from the fire service I think that’s a good thing for us. It has created a little bit of work and we’ve been writing simple letters out to minor issues but where we’ve got major issues perhaps, we’ve obviously incorporated that into our updated scheme and we’ll go out and inspect those with the proper fire safety audit”

“Our corporate organisational aims are to tie in with the government’s wider agenda on reducing the burden on commerce and industry and for us for reducing risk; that’s our mission statement. REP, in the regulatory field, was a partnership, a vehicle for us to reduce the risk to the work force and the inhabitants of the county by having more regulators looking at Fire Safety provision in non-domestic premises. So that’s where we saw a massive organisational win and that ties in very much with REP about using everybody’s eyes and ears and then exchanging data”

The pilot formalised the relationships between teams and created a system that could be managed rather than relying on informal procedures that were effective but lacked recognition:

“So, therefore, whilst that was effective and reduced risk, the disappointment, from a senior manager’s perspective is that there was no formal information exchange recorded in either organisation but it was done at the coal face level which works very effectively but there was no recognition of the information exchanged, there was no impact on either of our databases on the risk profile of the building and then there was not always a targeted and co-ordinated follow up. What REP does for us, particularly using the portal and accepting the problems we’ve had with the portal and the quality of information, we now have a formal auditable process and that is the step forward.”

Through managing the process, it was possible to improve intelligence and co-ordinate responses to provide a better service to the public.

“we’d developed a response protocol; we wanted to have a consistent approach across the partners to the information they were receiving and we have monitored the number of alerts received and the number of actions taken as a result of that information. So we have been carrying out follow up visits even if there were only a few within each authority and dealing with problems that we wouldn’t have dealt with if it wasn’t for REP.”

Lessons to Learn

REP style joint working provides opportunities for:

- Information passage between agencies thus increasing the overall intelligence relating to premises and thereby confidence in management and business compliance.
- A greater understanding of the roles and function of other agencies and thereby a building of trust and respect for the roles of others.

- Enhances a wider understanding of regulation by officers, increasing their experience whilst maintaining core competencies over primary inspections. Ultimately this may reveal alternative career paths and in the longer term provide greater operational understanding of all regulatory functions that will assist in training of future managers of such services.
- Comprehensive intervention can be employed over rogue traders with coordinated visits to ensure level playing field with other traders.
- Utilisation of resources to maintain a premises level inspection regime over all regulatory areas, where one agency is focusing their own resources on national or local issues, or to trading that is not premises led.
- There are clear opportunities to incorporate “other” local authority based intelligence through use of neighbourhood wardens, town centre managers, enviro-crime units and the like, so that a comprehensive picture on trading operation can be employed.

Theme 3: Tools

In order to achieve the principles of REP a number of tools were applied to the process. These included IT management systems; use of mobile technology to undertake and record the information from inspections; and mechanisms to upload the data collected to back office systems. It is fair to say that the components that underpinned this element of the REP process provided many obstacles that needed time and resource to overcome. These issues play back into the previous theme of having time to pre-plan and ensure that infrastructure is in place prior to implementation.

If there is one central lesson for any new consortia to engage with, it would be that coordination of data sets across the partners is a pre-requisite of success. Systems have to be able to cross communicate and data collected through REP style visits is able to update back office systems.

IT and Data Management

There were a number of conjoined issues relating to IT, mobile technology, data management and data collection.

It is clear that time did not permit for a detailed review of systems at the beginning of each pilot group. However the impact of the range and scale of work needed to take existing systems and make them work to deliver the desired pilot benefits was evident.

As this project was aimed at finding coincidences in visits and in joint working, the first issue that needed to be addressed was data management. The consortia differed considerably in range and style with some operating over two tiers of local government; some involving regulators outside of local government; but all involving more than one regulator. As highlighted by Hampton (2005) regulatory bodies have tended to develop their systems in isolation of each other. As a result most operate their own data base developed over years.

The pulling together of data was therefore a considerable task. Data was often held on incompatible systems and timescales did not permit the pulling together of data sets without external assistance. As a result data management was handed to external IT consultants. Even where this was done a number of participants reported that they were still responsible for data cleansing. Promises of algorithms that would identify common premises failed due to simple differences in description of premises, for example listing a retail outlet as “George and Dragon” or “The George and Dragon”. So even where data management was handed over to external IT consultants these barriers were not fully resolved.

Whilst aiding in overcoming one obstacle caused by timescales, it created a number of new issues that with hindsight and more time could have been avoided. This was exacerbated by the differing development stage that participants within the consortia were at. The existing services that the pilot worked with ranged from basic spreadsheets to relationship databases and systems designed for LA service management. In some cases no existing IT was used and paper systems were in place.

IT is rare in that often new entrants have advantage over existing systems due to the rapid advancement in technology. Thus for some the very length of time that a system had operated created obstacles. Divergences in the accuracy of data held increase over time, whilst localised complexities also increase.

All IT systems go through stages of implementation, upgrade, debugging and extensions to functionality; this cycle of improvement was at a different point in each system being used.

Other issues related to the interface of the REP central data files with regulators existing systems. In all but one case this was not possible, thus information collected for REP is now housed on a centralised database which cannot be accessed post REP completion. In many ways this is a considerable waste of resource since one of the primary goals of REP was to provide better intelligence. Such intelligence as has been collected now has the potential to be lost forever.

In order to overcome this, many authorities have inputted the data into their own systems. This meant that officers had to input data into the REP system and their own back office systems, effectively double inputting. This is clearly inefficient and reduces resource available to the role of inspection.

Even in the case of the group that managed to have data updating their own systems there was considerable delay, including cases of up to months delay between inputting into REP and data appearing on the internal system.

It is clear that this lack of matching to existing data systems caused considerable problems to officers.

There was a further downside in handing over ownership of the data management to external agents. Having designed an initial question set for use within REP, it became apparent that any changes to it would cost a considerable sum with quotes of up to £15,000 being mentioned within the focus groups and interviews. This goes some way to explaining why the question sets were not altered despite concerns over content.

One further issue relating to this was the referral system. Since it was impossible to provide live update of existing systems it became necessary to operate an email alert system which provided details of all issues arising out of a REP visit to the other regulatory bodies. This meant that officers had to maintain involvement in their own systems whilst also having to monitor a further system in case an alert came through.

This also created its own further issue in that all alerts provided very limited information and just highlighted that an issue had arisen. This raised concerns of the accuracy and need for an alert by the officers and called into question, yet again, the question set and which questions created an alert.

There was also a significant challenge, although not truly an IT one that was critical to success of the premises based inspection process. The identifier e.g. business name or postal address was not common across the enforcement agencies, even those who operated in the same authority. Without this comparability of data it was not possible to identify all the coincidences. It is noted that often it was through human effort that duplication was identified but manual checking was time consuming and naturally frustrating.

More than one consortia introduced a preliminary stage to the pilot and quoted as one of the benefits was a joint exercise by different departments to exclude from the data out of date information and erroneous details.

Evidence:

There were technical difficulties with firewalls:

“There was a learning curve in using a new piece of hardware, which is always difficult, especially with PDAs because they are small and then, of course, using the REP application itself. I know in the early days, we’d been through a number of upgrades with the REP and I spent quite a bit of time actually working with providers, if you like, with them in getting it to work on our infrastructure. One of the things that wasn’t considered was how local authorities work and the level of security we had with firewalls etc.”

Different databases had to be merged to provide a list of pilot premises, but this caused difficulties:

“There were clearly premises that weren’t matched, and premises that were incorrectly matched with each other, and that was due to the quality of our data, but in some cases it was unclear why their system didn’t pick it up.”

“We all had different data, storing it differently, what you effectively have to do is link our database so we have Fred Smith on the High Street and somebody else has G Smith. We could identify that they were the same so you built links, the problem then came that we could only look at our own Mr Smith, so that the inspection was done by someone else and we couldn’t see it so that was the mess.”

“Our FLARE database, which is the Environmental Health, Trading Standards database, was one that was merged some years ago, and has had a lot of data cleansing, although it’s less than perfect. Licensing runs off LalPack, which is a separate stand-alone system and doesn’t produce any sort of qualitative data.”

“Regards the fire service they use a different system CFRMIS and I don’t know what their system is like, all I know is that the information we got was very patchy.”

The process of data cleansing, needed as a prerequisite to each team deciding which properties should be involved in the pilot, ranged from simple to extremely complex and very time consuming. Here are some comments that demonstrate this range:

“That was a mess. So data cleansing, you know it just isn’t possible.”

“You only needed a variation in the way the premises was identified, for example The Dog and Duck, Dog and Duck, Dog and Duck PH and you’d end up with three premises, all separate records. It wasn’t quite that bad but there was a lot of duplication which took a lot of time to eradicate.”

“So we basically took an approach where we shared a phased approach. We got our address postcode sorted out first. And I think that is by and large completed. The bigger problem is the duplicate premises, or the premises that weren’t linked properly in the system. We’ve portioned that out to different people and they’re sort of working on them as and when they can. And we’ve also gone, very recently, to a newer version of IT system which inevitably has meant we have got to look at the premise database as well.”

“Every local authority, every Environmental Health Service in Hampshire uses a different software package to store its data and there’s a different system for Fire and Rescue and Trading Standards. They have a different perspective on the data they need to keep and there remain some compatibility problems and also, we’re keeping different data on the same address. So it was always going to be, and I think it was recognised at an early stage, a big nut to crack and pretty fundamental to the success of the project.”

“At the beginning of the project, it was accepted there would be a large data cleansing element and my understanding is that that work was never quite completed to the satisfaction of all the partners. It took much more time and effort than had been allowed for in the project and so it got to a certain point where we couldn’t put any more time and effort into it and other elements of the project just had to proceed. That’s a shame and I think it will probably come back to haunt us.”

Lack of synchronising data between back office systems resulted in double entry:

Officer:

“We had to input the data twice because firstly it went into the pilot system and there were significant problems with inputting data into that system. One officer took 50 minutes and although obviously an extreme, when considered across the 100 visits that you did, that time factor just in inputting data was huge.”

Interviewer: “And that data didn’t then update your back office?”

Officer: “Oh no, we had to do that ourselves.”

Data sharing has always been an aspiration in local authorities:

“The partnership might benefit us. One of the concepts I emphasised was about data sharing which I’m still keen on pursuing but it always seems to be just out of reach. You know, and I’m not talking about for this project, for a decade, we’ve been talking about it; it’s always just not quite doable.”

A number of authorities did succeed, primarily because they started with systems that were compatible:

“They worked well and there was surprise all round, you know, that the hardware spoke to our system and the software seemed to work alright and everything sort of, generally, seemed to tie up. There was surprise and shock all round.”

There were advantages to having a clear IT vision of how to approach the identification of premises:

“We’re already in the data sharing scheme and have embraced BS7666, the addressing piece which Gazetteers are so focused on. We’d already embraced the importance of the UPRN, the unique property reference number, and it was pushing at an open door.”

One solution put forward was a standardisation of data handling by central government to achieve easier data integration across different authorities.

“There isn’t commonality in the packages across us because each authority can buy its own and I think, in this day and age, it’s quite worrying that government hasn’t set kind of common standard for information and that kind of thing. The data cleansing process when we were engaged in it was interesting and perhaps wasn’t as smooth as was hoped or promised.”

Lessons to Learn

Early engagement with ICT personnel from all the partners will be necessary to identify the major technical issues and solutions surrounding the implementation of the project. Partners need to understand what type of information is held by each partner and how this information is stored. As highlighted, clusters and partners within them are at differing stages of IT development, with some still maintaining paper based systems. It is imperative that no presumptions are made on data storage and a careful consideration of the best method for integration established. There is no single solution to this and the answer will be one for local implementation depending on which agencies are involved and how they maintain their data.

It is also important to have sufficient time to ensure accuracy of data and to ensure that a common identifier for each retail outlet is created. It is interesting to note that in virtually all cases the authorities involved have said that whilst this was a painstaking and time consuming task that they feel that the process was beneficial in that they now have clean data sets to work with for the future.

In relation to this above it is a clear lesson to pick up from REP that adequate resources need to be put into place to clean data to ensure consistency in the data held.

It is also imperative in a REP style approach to ensure timely updating of databases. Information collected by officers needs to be transferred to internal system in short periods to avoid missed information and duplication. It was highlighted that on occasion duplicate visits had been carried out as a result of poor updating. This results in a duplication of internal resource, but of course a second visit to the business, the very opposite of what REP set out to achieve.

There is also a need to consider the alert system and exchange of information. Rules on who needs it, when, filtering need to be put in place otherwise there will be a considerable resource drain managing and responding to this data.

The balance between the resources needed to keep databases current against the benefits is always going to need review. One can see that it is imperative if resources are to be put into achieving clean and accurate data sets, that routine and accurate updating will be necessary to maintain faith in the system. It is common, over time for increasing inaccuracy to creep into system and so robust protocols over data input should be developed in advance of operation. It was evident that clusters that spent time to achieve a clean database followed by mobile working that maintained its integrity benefited from good shared information.

Careful thought needs to be applied to the use of external IT providers. In the case of REP it did provide a partial solution to the issue of data management. However, much of this data is now lost to the organisations as it is held on remote servers. As a lesson to learn from the process, very clear contracts need to be created that tackle issues of ownership, access to data, updating facilities, support and flexibility in altering question sets.

It is vital to note that “the issues of data became bigger than REP”

The regulatory environment must adapt to changes in local priorities, national campaigns from central agencies and incidents that may raise public concern in particular sectors e.g. tanning outlets. Updates in the IT systems needed to support these changes must be timely and cost effective. Essential is the understanding of needs by the IT professional of the regulatory professional. Equally limitations of functionality or those imposed by costs considerations must be clear and accepted by the LA managers and clearly communicated to front line officers.

Mobile Technology

This was a common theme throughout the focus groups. Many officers reported considerable problems with the mobile technology. This ranged from getting onto the system, with common problems relating to the number of passwords involved; number of firewalls to pass; and connectivity to the system. In relation to the latter a number of officers reported losing data due to loss of connectivity. It was then deemed inappropriate to recommence the REP visit and thus both the business and the field officer lost time.

There were also issues pertaining to uploading of the materials collected with reports that often needed more than one attempt. Clearly such IT failures reduce confidence in the system whilst adding to the time involved in the process.

Many officers reported concerns over the computer/tablet being used. This varied considerably within consortia, with some officers reporting ease of use whilst others suggesting that it could not be used during an inspection. On closer questioning this was as much to do with individuals as with style of inspection. Some officers mentioned that with other duties and roles it was impossible to carry this around during the inspection, whilst others used it as part of the inspection. It is clear that it would have helped many to have training that included use of the mobile technology, not from the perspective of how it worked, but from a perspective of how best to use in an inspection.

One of the issues with the REP trial was identifying the overall efficacy of the idea. The issue with the pilot is that it asked regulatory officers to do something new in terms of approach, whilst also adding in mobile technology and operation across local and regional boundaries which as seen caused issues in relation to data management. As a result issues that pertain to mobile technology and data management, alerts, and updating of data all accrue to the REP process. Thus whilst the criticism may be directed at REP it may only relate to use of mobile technology per se. This is always an issue where multiple practice or process change is developed, since it is difficult to establish when things go wrong, what is the true root cause.

Evidence:

There was a clear vision to what mobile working could deliver:

“One officer had done a paper based version of REP and did it in 15 minutes and he said it was much better than using the technology but the developments that we are looking at in the technology should replicate almost a paper based approach and then it is thereafter that it becomes beneficial you just press a button and it automatically downloads into the system.”

The challenges of making it work were greater than many expected:

“We’ve found as we’ve gone along with the mobile working project as a whole was we’ve perhaps been guilty of biting off more than we can chew to some extent. I mean because we were tied into the technology solution it has to some extent limited the ability to go ahead and start doing REP visits.”

“It seemed to me that the synergy between the two projects [mobile working and REP] was certainly around the use of technology, and elements of data sharing and I actually thought they would sit together quite nicely and together we could have done more with them. I still think that’s the case, to be honest. I think we perhaps made REP a little bit too narrow, and we have missed an opportunity to look at that the wider context.”

Synchronising mobile devices with council IT systems was problematic at times, sometimes due to network coverage:

“Well the challenge obviously with the hardware that the assumption is that a PDA will talk to everybody’s system but it didn’t talk to ours and I know it caused our IT service a lot of headaches to get them to talk to it. We had a big problem with our own Firewall.”

“We actually had to cut out the Firewall so we could only have one PC in the whole building that could have REP operating. Of course that was insecure because there was no Firewall and it was quite funny really, you had to have a key to the room to be able to use this PC.”

“You promise a business owner that the REP visit will only take ten or fifteen minutes, and you turn on your laptop and ‘Oh I’ve got to put a password in and I have to log on’. ‘Can I get into that here? Oh no I can’t’. ‘I’m just going to go outside, no I’m not going to do that’. I just close the laptop and put it back in the bag and that was the end of it for me as we were all finding it was easier to do it back at the office.”

Lessons to Learn

As an absolute minimum there is a need to introduce training in use of the mobile technology. This training should include not only how to use the mobile technology from a technical perspective but also good ways in which to use it as part of the inspection. Again this needs time for feedback loops so that officers can learn from each other how best to use new technology.

It is also an important aspect of REP to learn that multiple process change is difficult to interpret. Future schemes should consider where all participants are with mobile technology. If the authorities involved already utilise such an approach then extension to REP should not be difficult. However, as noted in the pilot, not all authorities are at this stage, nor are all the partners within the clusters. In such cases it may be better to apply paper based systems to ensure that IT and mobile technology barriers are excluded from any trial. It is also imperative to understand that IT solutions are not a total panacea to practice and often add new issues to overcome.

From a strategic review those operating national pilots should consider trialing multiple clusters that utilise different mobile technology solutions, for example PDAs, tablets etc separately from an inspection process change. In this way an effective evaluation of mobile technology could be undertaken and any benefits that could accrue to future practice could be directly determined.

Theme 4: Resources and Culture

One of the primary aims of REP was to have a more strategic use of resource available to carry out retail enforcement. It can be argued that the current model of regulatory practice has the various components of inspection in separate silos determined by historical distribution of departments within authorities, across tiers of local government and in other agencies.

The commentary of those experiencing visits from regulators is that it is difficult to cope with; that it is difficult to know where to turn to for support; and that regulators do not know what other regulatory officers are asking for, which can lead to conflicts in advice provided.

Thus within this evaluation it is important to look at the implications for resource management and the changes in practice and culture that accrued.

Time for Planning

As with any project there is considerable need for adequate resource to be applied to planning, resource allocation, inception, communication and analysis.

In the case of REP there was a very limited period between the idea being considered and pilot authorities starting the process. The particular issues with the REP pilot related to:

- the content of the checklist;
- establishing co-incidences and choice of premises to visit;
- IT infrastructure;
- use of and familiarity to mobile technology; and
- data management.

Such was the criticality of some of these issues that they have been considered independently in earlier themes (IT infrastructure, use of mobile technology and data management). However, what is important to understand is that with adequate time many of the issues about the creation and management of the question set would have been ironed out before operation. Such were the timescales that ownership and development of the question set was handed to external IT companies. Once control of this was lost it became increasingly difficult to alter the questions, retain ownership of the data collected and undertake analysis of the material.

Content of the Checklist

One very clear comment made by all of the participant practitioners related to the question set used within the checklist. A common theme was where the questions came from and how useful they were for REP purposes. (It is noted that the questions were developed by representatives from the phase 1 clusters).

Since this was a national initiative there were concerns over both authorship of the questions and how they were developed and ownership over their content. This lack of ownership by subsequent users of the content of the question set provided a considerable barrier to implementation and was a clear frustration expressed by the participants.

Some disciplinary areas suggested that the questions would not identify issues that they would be interested in; and thus would not identify need for action; some commented on difficulty in following questions since they were written with double negatives; many also commented that there were too many questions that did not look at risk.

There is consistent evidence that questions within the REP questionnaire were poorly worded. And some were difficult to understand per se. There was also a theme relating to poor follow through of questions with secondary questions not fully relating to the initial question set. In addition it was felt that there was poor guidance provided on screen for some of the questions, making it more difficult to interpret what the question was seeking to elicit.

Finally, even when this was identified it proved difficult to alter the question set. Different clusters had different software providers resulting in improvements/changes proving difficult to implement resulting in a reduced confidence in the process which undermined implementation.

Establishing Co-incidences and Choice of Premises to Visit

Operation of the consortia over short periods, often less than a year also meant that the potential for coincidences were limited. Since this was the very essence of REP it is clear that a short operation period reduced the ability of the projects to fully explore this aspect.

There are 5 primary risk assessment tools applied by national agencies and used by local authorities to determine the frequency of inspection of retail premises. These tools provide a frequency of re-inspection of between 6 months and 7 years. As noted many premises are subject to multiple inspections for different purposes, but the regularity of these inspections may vary considerably. For example a food retailer may be subject to an 18 month cycle for food hygiene, 3 years for food standards and 5 years for health and safety. Also because they have completed their fire risk assessment they may not be visited by the Fire Service.

Many of the consortia within REP operated for a maximum of 12 months. It is clear then that the chance of a co-incidence of visit is limited in this timescale.

As a result, the premises chosen to be visited were primarily, those due for a visit within this period. The consortia allocated out these visits to the primary inspection staff, who would then undertake the primary inspection and add on the REP visit at the end. This had the effect in some authorities of skewing the amount of visits to be conducted by the lead inspecting agency and considerably adding to their workload. To equalise the balance of inspections between regulatory officers, other visits were added to the premises to be inspected for REP, in effect moving up visits due later.

There are a number of issues that arise of such timescales:

- a. The most noticeable is that the option of internal iterative cycles, to learn from, is lost and thus operation is as much about completing the task than it is about learning from the process.
- b. With this focus on operation come dangers in reducing the time for active communication and active learning so that officers approach the task in isolation of others best practice.
- c. There is also a danger in short timescales that operatives see this as a short term initiative with a finite end and can go through the motions of completing visits rather than changing practice for the long term. This is more so where barriers to operation are involved in the project as evidenced in several cases.
- d. There are other issues that more time would have provided for. Specifically these included more time to:
 - Assess needs and certain local priorities and approaches.
 - Agree terms and understanding of the question set, commonality of approach to adopt and expectations from process.
 - Explore training needs which are likely to differ across the variety of officers involved.
 - Agree “trigger questions” to determine intervention by other agency. It was clear from the focus groups that some questions produced alerts whilst not being deemed of great concern by those officers to whom it would be reported; that yes/no answers created alerts when further detail had been provided which could not be viewed on the alert system; that some questions were deemed inappropriate to determine a risk based approach to visits.
 - Agree outcomes, for example the production of standard letters for certain events; provision of advisory leaflets to assist business when minor issues were identified; what to do if enforcement was required within a single discipline; and what to do if something urgent was found.
 - Bring everyone on board so that they own and are part of the process and that they are not lost during the process. Such a process does have a time implication that needs to be included in such a project.

Evidence:

The content of the checklist was one of the most commonly discussed subjects in the feedback from managers and officers. Comment covered the questions, their format, their value in identifying the trigger for action, their interpretation and a lack of an opportunity to change once shortcomings had been identified. Below are a selection of comments that highlight the concerns raised.

“This is the checklist; these are the questions we’d like to ask. I have to say we made a mistake in my opinion. We made a big mistake there. Because the idea was that we would ask questions which a reasonable person could answer. Two big problems there. One is that officers are not reasonable people, they are professional people and they look through professional eyes. And the other problem is that by simplifying the question we trivialise it.”

“The difficulty for me is I do the Trading Standards, the difficulty for me is the questions don’t assess whether I need to go back or not. We have got a scale of yes or no, but it doesn’t ask anymore questions than that and actually there were a couple of things that were far more useful to know. If it’s just a small sweetie shop with a small scale, I’m not bothered. If it’s somebody that’s selling underweight every time then I want to know. I can’t, you know, from the information I’m getting. I can’t make that judgement whether to visit it or not.”

“A major stumbling block because of the constraints placed by, apparently, BRE saying it’s a national question set, you can’t change it and we looked at it and said some of these questions are rubbish. Some of the questions were not one question but two questions and you could answer yes or no and still be right. That was a major, major stumbling block because you have highly experienced officers looking at silly questions. It would have been of great benefit to the project if the ownership and control of those questions had come within the authority of the project group at a much earlier stage because it was serious. You know, you’d got professional officers asking silly questions; that isn’t good for the progress of the project.”

“The Fire questions were probably some of the best questions and I don’t think we need to do an awful lot to refine them because they are asking the right questions, it’s just the other regulators interpreting the level of importance they’ve got to put on them and what they think they could accept and what they shouldn’t accept. That’s a learning process for them.”

“Well it doesn’t enable a buy-in to the process that takes account of what people’s views are. They don’t take account of particular demands from individual authorities to gain intelligence in one area or another and of course we are working on a moving target because the law will continue to change and priorities will continue to change and we want the question set to shift accordingly.”

Lessons to Learn

Sufficient time is needed to develop the appropriate infrastructure. Two key aspects of planning were not fully considered prior to implementation. The first related to IT infrastructure and the pulling together of disparate data sets. Such were the timescales involved in the pilot that external solutions proved the only available option, which in turn created secondary problems. Likewise considerable time and effort was expended on data cleaning to ensure all the premises to visit were labelled consistently across all of the partners. In many ways this detracted resources from the operation of the inspecting element of the pilot.

If authorities are to consider implementing REP style partnerships in future then sufficient time MUST be allocated to IT infrastructure and data management issues. If external options are the only solution then clear contracts, responsibility chains and issues of ownership of the data must be solved prior to operation.

A further issue to learn from the REP pilot is that in order to reach good levels of coincidences the scheme must operate for a minimum of 3 years. Over such a period it is likely that a visit for food hygiene and food standards will be due and some degree of likelihood that other visits will be required or be nearing inspection dates. Operation of REP is a long term, rather than short term strategy and this needs to be understood in its operation.

It is also important to provide sufficient lead in time to enable planning of project, enable communication of process, ensure consistency, have iterative learning cycles so that officers can shadow, report back on question sets, difficulties in application, use desktop studies prior to operation. As a good example of this the English House Condition Survey takes a year to plan, train staff, provide feedback through practice inspections etc before it is commenced.

- Project needs time and active management
 - Time to develop, discuss, apply, correct/amend, learn
 - Strong leadership, Project manager, champions, owned
 - Consider time to learn from each other

Ensure question sets are dynamic, flexible and capable of change. This is important in the longer term since it will allow for development of local themes and for new national initiatives.

Human Factors: Retention Cycles

All organisations have their own internal resource coupled with both turnover and length of service. This resource had an impact on the approach to REP. For new employees coming into an office where REP was operating then it was the “norm” and individuals accepted it as a way of working.

For experienced officers there were a number of issues raised:

- Am I doing another professions role?

This was a common concern. In some partnerships this issue had been tackled well through clarification that REP was an intelligence gathering and sharing exercise and that professional expertise was unchanged when it came to engaging business in developing solutions. In other cases there was less clarity and in these partnerships there remained concerns as to whether they had the appropriate skill base to undertake other professions roles, even though this was not an expectation of REP.

- Am I able to identify issues that my colleagues would be interested in?

This very much returns to the issue of professional competence and confidence. For many officers within the REP trial there were no issues, with a clear understanding of what they were looking for. This was particularly the case in existing co-located teams and in certain of the professional groups. Other officers, however, did suggest that they had significant skill gaps particularly around temperature control, and trading law.

The REP process involved the use of a checklist which officers used to question business managers. Very little advice was provided on how best to utilise the tool either in advance of operation or as part of the feedback loop reporting on best practice. There was evidence of wide application in practice in the use of the tool which gives cause for concern in an era of consistency objectives.

Some of the partnerships provided some degree of officer orientation with cross training of regulatory officers to build an awareness of other professional's roles and duties, although in some cases such training was specifically excluded. Where it was offered it was reported as positive, both as a training mechanism but also as an aid in building bridges and trust between teams.

Evidence:

- Am I doing another professions role?

There was a view, by some officers, that by asking questions outside their professional area, that businesses would then expect advice that they may not be equipped to provide and this would lead to a loss of confidence.

“And competency to know what you're talking about when you're asking the questions. Otherwise they know that you are no longer competent. And they pick up on it.”

As stated, the solution to this was through training from officers in the relevant discipline on the set of questions and the potential answers available.

Q: “what makes a competent person? Can you put into words what sort of level that would be? What sort of time or knowledge would be needed?”

A: “Well as far as the survey we do on PDAs is concerned, just someone from the relevant discipline to just explain what each of the questions is actually getting at.”

A: “It's the same for us, for Trading Standards questions, like business name, you know instantly what that is. It just needs somebody to explain what the potential variants are that you might get.”

One approach to this was to consider the ability of looking at multiple areas of compliance as a new skill.

“The Steering Group right from the very beginning had a view that this is a new area of competence that we're developing in. We've got this historical view of specialist officers, where one specialism made them be a generalist, if that's not a contradiction. It's a specialised skill to be able to look at many areas.”

Am I able to identify issues that my colleagues would be interested in?

In the pilot there was a strong reliance on the field officers skills at hazard spotting and awareness of the retail environment which they were visiting.

One manager describes the officers as “all extremely intelligent people and very, very competent and they also have a lot of common sense. They are not all experts in fire but they can identify hazards,”

As well as developing trust in providing information, there was a question of developing trust in receiving information, especially with experienced officers.

“The difficulty for the groups, which they acknowledged themselves, was that what was going to be most difficult for all of them was letting go of existing practices, not going back in to check every five minutes and actually trusting what they were getting.”

Lessons to Learn

It is important in any project and certainly in those which involve new methods of operation that clear advice, guidance and direction is provided. This was not clear in all of the partnership within REP and it is an important lesson to learn that all those involved should understand the premise under which they are working

In addition cross training is seen as imperative to ensure that all involved understand:

- their own role and in particular the way in which to operate; how to link REP with existing roles; and reporting mechanisms for alerting others to issues found.
- the role of others, including an understanding of their compliance focus and why certain issues are considered important
- that there is a consistency of approach between regulatory officers applying REP

Training should be ongoing, both prior to inception and at regular points within the operation to ensure that internal lessons are acknowledged and practices improved.

Efficiency and Savings

One of the early contentions within the project was the idea that there could be efficiency savings created by identifying multiple visits to a single retail outlet. The concept built around the idea of coincidences of such visits. In such cases a single officer could then visit on behalf of other agencies, thus lessening the number of visits overall. Evidence provided by the two initial pilot clusters, Bexley and Warwickshire, suggested savings of 20-30%.

Evidence from the Phase 2 consortia suggested that such coincidences were limited over the operation of the project. City of London estimate the maximum coincidence was set at around 4% a figure confirmed by other partnerships.

When considered in hindsight, this is not unlikely. Each component of the process utilised different lengths between visits, depending on risk appraisal, ranging from 6 months to 7 years. With some of the partnership operating for less than one year it is clear that the likelihood of visits coinciding will be limited.

In addition it was highlighted by many within the focus groups that additional visits needed to be undertaken. Having received alerts from other agencies that there were issues to pursue a further visit was made to the premises. This clearly adds to costs both to business and to the regulatory bodies. This was a consistent theme of the focus groups and there was evidence collected of clear objective savings in operating REP over the timescales applied.

Size of the Organisation

There is a current trend in local government to increase in size, forming unitary authorities. There are a number of reasons behind such a move in that there are implicit infrastructural savings in operating single authorities over larger areas. This is both at a staffing and equipment level, but also in terms of operational practice with single policies and procedures being applied across larger areas. Indeed this very reduction in enforcement bodies may go some way to lessening the perceived differences in practice between authorities.

However of note was the impact of this process on the REP project.

Larger areas (unitary authorities) already benefited from close working relationships, shared back office IT and benefits of working in close proximity to each other. Awareness of others practice and operation often meant that the officers routinely passed on information to other agencies prior to REP inception. In such cases it was not difficult to bolt on other functions and incorporate them into existing processes such as visit plans etc.

On the other hand some of the consortia were much larger and consisted of agencies constrained by local authority boundaries. Such agencies, as highlighted by Hampton (2005) have often developed policies, procedures and approaches to regulation in isolation of others. This divergence of practice and approach added a further dimension to wider consortia which needed to be overcome. Of particular note would be the issue pertaining to IT infrastructure since many authorities operate different software packages and the co-ordination of data sets for the operation of REP was a considerable challenge. However once these obstacles over policy procedure and infrastructure can be overcome there are considerable benefits to business in the operation of a regional, rather than local, protocol. Such regional approaches would add considerably to consistency of approach and intervention response.

Evidence:

There was a clear benefit expressed by those that came from an organisation that operated as a single identity:

“We are a unitary, partnership working is the default across regulatory services, so Food Hygiene, Health and Safety, Trading Standards, Licensing and Food Standards all come under one organisational heading for us, which I think is quite unusual, not just for councils but for unitaries as well actually. You quite often see the Trading Standards and Environmental Health would come under different banners, so we have got the advantage in a sense that, before we had even started, we were all using a common back office system, we were all using common approaches to work, we all work within the same service, so we knew everybody, for want of a better way of putting it.”

The lack of scale was identified as a reason that the projected savings were not realised:

“We spent a lot of time making the project work and it’s probably a scale thing, that because it was small scale, there were no benefits realised. I think maybe on a larger scale, and by larger scale I mean, it is seriously operating between a number of authorities, then you can start to realise some cashable savings but within our own little authority doing a small project like REP, there’s nothing.”

Lessons to Learn

Starting diversity is a key factor. The resource and planning needed to achieve collaboration when starting with disparate group must be scaled up to be able to manage the inherent issues raised by diversity. However the net benefit in operating a regional level intervention response for business is clear.

It is difficult from the pilot to conclude on whether REP provided any direct savings. Two early pilots make clear claims that it did provide savings, whilst all the other clusters suggested it did the complete opposite. It is clear that given longer time to operate that the potential for coincidences to arise would increase. And as such so would the potential for savings through reduced visits.

It is important to reiterate the need for sensible alerts to be provided to reduce the level of re-inspection that was created under REP, which added significantly to the resources needed to operate the scheme.

Longer term operation will also provide for increased intelligence on a businesses' compliance record, which currently is likely to be held on siloed IT data systems. Officers would have access to the entirety of intelligence thus enhancing the level of corporate level response.

As regulatory officers become more familiar with aspects of other officers work and indeed the primary concerns that they focus upon, single visits can add these concerns to their remit and request information on response from proprietors rather than waiting for another visit from another officer.

This then would have the potential to make considerable savings in operation. There appears therefore to be a considerable initial cost in implementing REP in provision of infrastructure, data cleansing, agreement of corporate responses, coincidences management etc. This can be offset in the longer term against the potential for a regional business service, with regional level policies; greater intelligence over time; and the potential over time to limit the numbers of visits and responses to individual premises.

Initial Skill Set and Professional Approaches to Practice

It was identified that each of the participant regulators operate different approaches, for example Trading Standards are reducing the number of direct visits, applying an intelligence based approach. They also highlight that some of their activity does not involve a premises, as trading is occurring through the internet and from different authorities and countries. One the other hand, as directed by the Food Standards Agency, Environmental Health Practitioners are carrying out field based visits to many premises. These visits include appraisal of the entire premises, whereas both licensing and Trading Standards tend only to focus on the trading element rather than storage areas.

Therefore the experiences of the practitioners differed with some commenting that they had never ventured into the back of the premises. It was also reported that their initial training did not cover some fundamental aspects of other professionals remit. This it was felt made it difficult to question the accuracy of the information provided by the business proprietor.

This also manifested itself in the ability to provide advice to clients, with many officers commenting that they felt uncomfortable answering such questions and unprofessional if they could not provide any answer.

This theme culminated in comments surrounding liability both as an individual officer and accruing to the authority. There was a concern that if officers implementing REP did not identify issues of importance to other agencies that they and the authority could become liable, whilst at the same time allowing a poor business to continue to trade.

Another point to recognise is that the majority of practitioners have been trained long before the inception of REP. This in itself may provide a barrier to participation. Having learned to practice in one area and in one way it becomes less comfortable to adopt new styles. However it was noted that even officers who came to the process with less background still clung to their training paradigm and found it challenging.

It may well be that if training were to be extended along the lines of Hampton (2005) then newer officers would find it easier to accommodate REP style approach.

One identified benefit of the process was that it broadened skills sets, added variety to a role, and increased their understanding of others roles ("in past would not even have thought about this issue")

In addition it was noted that the process identified many premises that had never been visited by one of the other agencies, and as such, whilst it had been visited routinely by one agency, many aspects of risk had never been considered.

Evidence:

“This was one of the major issues actually that was raised during the initial sessions and I think probably now it’s still in some people’s minds. A concern was not that they don’t want to collect the information and share but they feel that because it’s outside their professional expertise, are they the right people to be asking and assessing the answers to those questions and I think probably that is something that is still a concern to some officers.”

Lessons to Learn

Consideration needs to be given to the skills sets of the participant regulatory officers. There are answers to this both at national and local levels. At national level there is potential to revisit the initial training provided to inspecting officers with reflection given to incorporation of other areas of practice. The concern when Hampton (2005) suggested this was that the curriculum for many of these practitioners was already packed and that there was little if any room for incorporation of additional topics. It is noted, however, that there has been some movement here with CIEH opting to look at specialisms coupled with some level of generic understanding of practice in other areas. With such a model it is possible to see a pathway which could incorporate REP level understanding of other’s practice.

At a local level, cross training of staff can be employed so that each discipline explains the concept of their practice and the major risk areas that they focus upon. This was employed in a limited number of consortia with very positive commentary on its efficacy from all participants.

Joint visits, shadowing, case studies and other forms of joint training should be employed over time to ensure greater consistency between and across differing inspection teams.

Training providers can also be approached. As highlighted Greater Manchester are employing a different approach to REP and have engaged Salford University to explore a training package to support regulatory officers within their model of “REP” (Business Compliance Assessment)

Likewise Middlesex University have recently been given money from one of the regional Life Long Learning networks to develop a course to Certificate of Higher Education level (equivalent to the older HNC) for field officers ranging from neighbourhood wardens, enviro-crime, licensing, trading standards, street scene officer, antisocial behaviour teams and the like to operate a consistent training package for these officers. This award and a foundation degree in regulatory practice have recently been validated and it is clear that the concept of REP style intervention could also be incorporated.

The premise behind REP was the establishment of partnerships between enforcement bodies. It is clear that there are further opportunities for partnership that should be explored beyond that of the regulatory environment. This needs to include for national regulators, training providers, IT companies and the like.

Confidence in the Process

As highlighted in other themes there were a number of concerns that impacted on the operation of REP. Of particular note was the efficacy of the question set, updating of data systems and use of mobile technology.

For some within the pilot it was clear that this affected their perception of the merits of REP and for many it eroded their confidence in the process.

The evidence collected suggests that the project had a very short lifespan in each cluster. This resulted in:

- Having to “make do” with the checklist even where concerns were raised or content acknowledged as questionable
- Making of changes very difficult. As a national project deficiencies in the question set would have taken time to iron out and the operation timescales of the project precluded this level of communication. Likewise, in exporting solutions for managing the electronic end of the question set to external IT management companies, the ability to locally fix problems was lost.
- Maintaining the outputs at the cost of improving the process and reflection on operation.
- Training and advice on operation and instigation of best practice coming after start up and in some cases not at all.
- In some clusters the decision to operate REP and the reasoning behind this was not communicated to all those taking part.
- A feeling that the process was imposed rather than one in which the regulatory officers felt they were valued and fully involved.

Overall this led on occasion to an erosion of confidence in process. However, as highlighted and evidenced, the regulatory officers showed a considerable resilience and pragmatism to all the barriers created by the process.

Evidence:

A fire officer reported: “we got information back on one particular case that the fire door was wedged open. It’s a fairly simple question, is there a fire door? Is it wedged open? So we went out and did a visit based on that information and when they got there, it wasn’t a fire door at all, it was just a door, but what they were on about was the fire resistant doors that are internal. So that was a good example of where, with a little bit of awareness training with all the other officers who were looking at the fire bit, we could have nipped that one in the bud.”

“The main reason in our authority people lost enthusiasm was because you're sending this information back and nothing is being done with it. That was the main reason.”

“Once you’ve got a group of people that are internally resistant to any change, not just REP, you build them up and when it fails to achieve those standards, they regress back to type and it’s very hard to keep them going.”

“I think the question set needs to be further looked at. It’s an awareness and it’s an evolution process, not just for us but for all the other regulator’s staff. For example, if they go into a premise and you might have a hotel where they’re going in and they’re looking at food standards, if there’s one fire door which they see that is partially obstructed or not working but there could be 70 doors in the premises and it’s just that one which is partially obstructed because a cleaner’s put a mop and bucket there whilst they’re using the toilet. That doesn’t mean that all of the means of escape are not available for use and it’s down to them to make a judgement as to whether they are broadly happy with the means of escape, as opposed to saying it’s not satisfactory and getting us round there and we see there’s no real reason for us being here.”

“But also in terms of the information that came through on the alerts, we actually changed the format of the alerts to make them more useful because what Officers were saying was that they needed to have the whole picture, not just the one little bit of information that was considered to be a matter of evident concern.”

Lessons to Learn

Clear communication of the reasons for and behind involvement in REP or similar scheme is vital if those involved are to fully engage.

Removal of as many barriers to operation should be achieved prior to implementation if confidence in the process is not to be lost. Likewise if barriers are found then time needs to be built in to accommodate solutions as opposed to continuance with a scheme that is seen to be flawed.

Conclusion

The REP project was hugely ambitious trying to achieve demonstrable practice change over very short timescales; introducing technological change through the use of mobile technology; as well as to encourage cross regulatory agency working. With hindsight achieving all of this with extremely short implementation periods was always going to be difficult. However, the lessons that were thematic within this project should not be lost. It is clear that the ideal of improved service to clients; reduction in the number of visits to retail premises which are broadly compliant; and redistribution of resources to those who are less compliant should be something that all those involved in regulation should seek.

The details provided above shows that adequate planning, development of appropriate IT infrastructures and cross training are going to be critical to future success. Set out below are some common clear lesson to take away from the REP.

- There is no one answer, each cluster needs a different solution. Consideration has to be given to the type of partnership, which agencies are involved, their position in terms of data management, and the skills set and resources available to apply to REP need to be considered.
- It is important that you do NOT let a project manage you but that you manage it! This is very much about localising solutions, whether that is to apply standard national priorities, as provided by the Rogers Review or to local factors and priorities that need to be incorporated into the scheme.
- It is clear that the pooling of ideas, sharing resources, transferring skills, respect, and understanding the role of intervention can add significant value to the regulatory practice environment and that REP is one way in which this process can be implemented.
- It is critical to success that you consider the impact on a REP style process of external drivers. One significant issue will relate to the relationship between “eyes and ears” visits and the requirement to meet the FSA requirements around the inspection of food premises. It is clear that the FSA have to satisfy Europe about the robustness of the UK inspection and enforcement regime and it will be necessary to link REP style processes to meeting this requirement.
- Linked to the above is the need to link local implementation with national strategy. It is clear from the process adopted in REP that national enforcement agencies were not involved early enough in the process. Clear direction from national agencies is critical to ensure that resources applied locally to REP do meet national enforcement regimes.
- One of the central criticisms of REP related to the question set applied to the visits undertaken. It is clear that getting the question set right at commencement is critical. This is important for a number of reasons:
 - Maintaining confidence of staff in the process
 - Ensuring the data collected is useful and transferrable between agencies
 - Ensuring that the risk rating is correct so as to ensure future inventions by any agency involved is correct. This relates both to immediate responses by agencies informed of issues raised through REP and to future REP visits.

REP has operated for over 3 years and has provided a wealth of experience in operation. Those involved in the pilot are Pathfinders for potential future practice and their experience should be learned from.



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