

28th January 2022

PUBLIC PROTECTION PRESSURES

Purpose

1. This report introduces a paper from the Directors of Public Protection Wales (DPPW) group, which provides further detail of resilience challenges, and presents the case for increased investment in service provision over the medium term. The DPPW report offers a set of recommendations for consideration by the WLGA Executive Board.

Background

2. At September's WLGA Executive Board meeting, members received a report updating them on the significant work undertaken by Environmental Health, Licensing and Trading Standards Officers during the Covid pandemic.
3. As we move forward and continue to respond to the changing nature of the virus, our system response has changed and adapted. Officers in Public Protection have remained on the front line of delivering a number of key activities which include advice to care homes on infection prevention and control, advice to schools, within test, trace and protect, and continuing to advise, inspect and enforce a wide range of businesses in all sectors in relation to their risk assessment processes, and safe ways of working.
4. Consequently, the pressure on other "business as usual" work continues to build in areas such as food safety and food hygiene; animal feed; houses of multiple occupation: metrology; air pollution and adapting to changes resulting from EU Exit. The lack of capacity to cover Covid work and other statutory duties at the same time, inevitably means an increase in risk to public health and safety in the wider context.
5. DPPW has recently agreed a consistent approach to determine the hierarchy of risks, looking across the whole workload of the combined services. All the services which are provided by Public Protection have been RAG rated according to risk. This has provided individual DPPW managers a professionally agreed assessment to aid local decision making and discussions as to where to best place limited resources.
6. However, the continued and unrelenting pressure on the Public Protection services has brought into focus immediate issues of capacity and resilience. Coupled with this are foreseen challenges for the future including those in the Programme for Government, as the demands and expectations on the services continue to grow.

“Directors of Public Protection – Building Resilience” report

7. Over the last two years while responding to the pandemic, elected members, Ministers and other strategic partners have remarked at the need to reinvest in preventative services, such as Public Protection.
8. There has been an increased awareness of the wide-ranging skills, competencies and responsibilities that rest with these services, and the protections that our communities will benefit from, when they are fully utilised as a key local government resource.
9. DPPW has therefore produced a report which details the key issues facing local governments Public Protection Services, the challenges it faces in terms of workforce pressures, and several recommendations seeking better coordination and oversight while providing greater resilience in the medium term. The DPPW report is found at Annex 1 to this report.
10. The report details several key messages:
 - Public Protection Services make an important contribution to a range of local and national priorities and work to address the wider determinants of health. The Wales response to the COVID-19 pandemic has highlighted the vital importance of these services and their significant contribution to public health.
 - Directors of Public Protection have provided effective leadership in unprecedented circumstances, demonstrating the flexibility and value of the professionals in these services in response to the public health emergency.
 - There is an imperative to return to business as usual for local authorities as soon as possible however public expectation and general demand for Public Protection services are rising.
 - Public Protection services have a significant role to play in the delivery of Welsh Governments’ Programme for Government 2021-2026 and have shown clear leadership in delivering against national priorities over many years.
 - There is a strong case for a more joined up approach on the part of government and national regulators in considering the impact of any new burdens and expectations of Public Protection services.
 - The system wide response to COVID-19 in Wales has strengthened working relationships between key partners. The challenge is to identify how partners can build on these relationships to help create healthy and sustainable communities.
 - Total expenditure on Public Protection services is typically less than half of one percent of the local government budget. Several reviews illustrate that significant budget cuts combined with the additional statutory responsibilities are increasing the pressures on already stretched services; this is unsustainable.
 - Reliable central funding and new sources of funding to facilitate a future pipeline of officers entering the professional workforce is vital; we must build resilience and safeguard these critical services for the future.

- The knowledge, skills, and competencies inherent to Public Protection officers via thorough and ongoing professional training is not found elsewhere in local government. Professional career and employment opportunities have diminished in recent years, consequently there are limited numbers of newly qualified officers entering the services. This is exacerbated by an ageing workforce, the loss of officers to other sectors and agencies and a limited pool of professional officers to recruit.
- There is an urgent need for investment in training and recruitment of public protection officers, including trainees, graduates, and interns to ensure services are sustainable.
- A dedicated workforce development fund would enable local authorities and partners to work together on a comprehensive workforce strategy.
- The development of a Regulatory Compliance Apprenticeship in Wales would supplement and underpin the existing professional qualification pathways into Public Protection services.
- The profile of Public Protection services is currently at an all-time high and this should be maintained as the country recovers from the pandemic, to ensure public confidence in our role is assured.

DPPW report recommendations

11. To aid further discussion within local government, with Welsh Government and other strategic partners, the DPPW report provides 6 recommendations for consideration:
 1. Development of a clear, risk-based programme of public protection activities that is co-produced by Directors of Public Protection Wales, Welsh Local Government Association, and Welsh Government and are delivered by local authorities, aligned clearly with national and local. Such arrangements for prioritisation should stay in place until a position of greater resilience can be achieved facilitating a return to fulfilling all statutory duties.
 2. In light of the current pandemic and lessons learned, local authorities, Public Health Wales, Health Boards, Directors of Public Health and the Welsh Government should work collaboratively to undertake a review of the role of local authorities in the wider health protection system.
 3. Local Authorities and Welsh Government, in recognising the vital role of public protection services, commit to increase the investment in budgets for those services to enable growth in frontline staffing levels to a more resilient level, utilising core budget investment or as appropriate, long-term grant funding mechanisms.

4. Creation of a funded public protection workforce development programme to recruit and retain a workforce with the requisite skills to meet existing and emerging demands. The programme must resource the provision of recruitment and training opportunities for environmental health and trading standards students. It must also equip and develop service leaders with the competencies needed to ensure public protection services continue to play a key role within local government.
5. The establishment and financial support of a fully funded Regulatory Compliance Officer apprenticeship in Wales.
6. The Welsh Local Government Association should work with local authorities and Welsh Government develop an action plan to maintain the current high profile of Public Protection services amongst the public, political leaders and policy advisors at a local and national level

Financial Implications

12. The DPPW report also sets out the scale of financial support necessary, over a 5-year period, to recruit and train new environmental health and trading standards officers via recognised professional qualification routes. DPPW suggest this would be sufficient to begin to improve and provide resilience in these areas. Detail can be found in Appendix 1 to the DPPW report.
13. An investment of £18.2m, for the whole of Wales, would train 4 EHO cohorts of 22 trainees for 5 years, totalling 88 new EHOs; and 3 intakes of trading standards officers over 5 years producing 66 new TSOs.
14. While there is no statutory or specific qualification associated with Licensing Services, the Institute of Licensing offers a Professional Licensing Practitioners Qualification. This is currently available in an intensive, online format. The recruitment problems being experienced for qualified environmental health practitioners and trading standards officers is not being reported for licensing officers.
15. Appendix 2 to the DPPW report, provides details of the financial support necessary to establish a Regulatory Compliance Officer apprenticeship scheme, which would provide pathway training into public protection services, eventually leading appropriate candidates into professional environmental health and trading standards qualifications.
16. Workforce surveys have highlighted low numbers of trainee posts entering Public Protection. Financial assistance to fund salaries of Regulatory Compliance Officer (RCO) apprentices (2 years) in Wales would supplement and underpin the existing professional qualification pathways into Public Protection. A four-year RCO development fund would support 133 new RCO apprentices. This is the number of apprentices local authorities have advised they could realistically support over four years. The investment required for this is £7.78m.

Recommendations

17. Members are asked to:

- 17.1 Note the content of this report and the report from the Directors of Public Protection Wales and make any recommendations as appropriate;
- 17.2 Consider whether the WLGA should write to the Minister outlining the challenges and issues facing Public Protection Services in Wales and provide a copy of the DPPW report as supporting evidence;
- 17.3 Consider whether the WLGA should seek a meeting with Welsh Government to discuss the future of Public Protection Services in Wales; and
- 17.4 Agree that the WLGA work with the Welsh Government to secure long term investment into Public Protection Services.

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**Directors of
Public Protection Wales**



Public Protection Services in Wales Building for the Future

November 2021



**Safonau Masnach Cymru
Trading Standards Wales**

The Directors of Public Protection Wales (DPPW) is the collective organisation of officers heading up public health protection services within local authorities, with the following Mission Statement:

'To protect personal, environmental, economic, and social well-being through policy, regulation and education. By these means to create a safe living and working environment for the communities we serve.'

Public Protection services include the Environmental Health, Trading Standards and Licensing functions in local authorities. Collectively, they protect the health wellbeing, and prosperity of residents, the integrity of the food chain, and animal health and welfare. They work to support reputable businesses, enabling them to thrive while at the same time tackling rogue traders and those that flout the law. Public Protection services also work to protect the environment and seek to safeguard the most vulnerable in our communities from the harms perpetrated by scammers and doorstep criminals.

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Foreword and Introduction- Chair of DPPW

Public Protection services, (Environmental Health, Trading Standards and Licensing) are under increasing pressure. In 2019, the Wales Audit Office observed that sustaining the delivery of public protection services in a context of reducing resources, and the additional responsibilities flowing from new legislation, was a concern that Councils needed to address.

In 2020, the “*call to arms*” to meet the challenges of the coronavirus outbreak further exacerbated those pressures, not least through the secondment of significant Public Protection resources into the wider public health arena. That key role remains unfinished and without a resolute response to this and the other challenges identified in this report, the future delivery of public protection services is under threat.

The recommendations in this report suggest a collaborative approach is required to build the resilience of and ensure the effective delivery of public protection services over the next 5 years. Public protection is locally delivered, but implements national policy to protect the health, wellbeing, and prosperity of the people of Wales. A joined-up approach between government, stakeholders, and local authorities can improve outcomes, can provide a focus, and can sustain this vitally important service.

Examining the services in this way will help all concerned to understand the resourcing challenges Councils currently face. Existing staff levels and demographics, present serious concerns about future resilience. There is a severe decline in the workforce of officers with specialist skills and knowledge not available elsewhere in local government, or in the wider workforce market. It is becoming increasingly difficult to systematically recruit and retain new environmental health and trading standards officers.

The coronavirus outbreak highlighted the valuable skills and flexibility of the Public Protection workforce with additional duties being placed on services while ensuring high priority, core functions continued to be delivered. Directors of Public Protection Wales (DPPW) worked collectively to agree priorities with local government political leaders. Difficult decisions have been made and continue to be made to prioritise the COVID response and inevitably many things that would normally be done are being held in abeyance.

The message that the DPPW wish to convey is hopefully concise and clear. Public Protection Services underpin so many of the norms evident in a modern society. They prevent upstream costs and failure, and protect people, businesses, and our environment. To sustain these services requires co-ordination, funding and a viable framework that can deal with the existing tasks, and the inevitable challenges to come. This report sets out the PPW desire to achieve these goals and to continue to place public protection and public health centre stage, where they belong.

Dave Holland, Chair of Directors of Public Protection Wales

Key Messages

- Public Protection Services make an important contribution to a range of local and national priorities and work to address the wider determinants of health. The Wales response to the COVID-19 pandemic has highlighted the vital importance of these services and their significant contribution to public health.
- Directors of Public Protection have provided effective leadership in unprecedented circumstances, demonstrating the flexibility and value of the professionals in these services in response to the public health emergency.
- There is an imperative to return to business as usual for local authorities as soon as possible however public expectation and general demand for Public Protection services are rising.
- Public Protection services have a significant role to play in the delivery of Welsh Governments' Programme for Government 2021-2026 and have shown clear leadership in delivering against national priorities over many years.
- There is a strong case for a more joined up approach on the part of government and national regulators in considering the impact of any new burdens and expectations of Public Protection services.
- The system wide response to COVID-19 in Wales has strengthened working relationships between key partners. The challenge is to identify how partners can build on these relationships to help create healthy and sustainable communities.
- Total expenditure on Public Protection services is typically less than half of one percent of the local government budget. Several reviews illustrate that significant budget cuts combined with the additional statutory responsibilities are increasing the pressures on already stretched services; this is unsustainable.
- Reliable central funding and new sources of funding to facilitate a future pipeline of officers entering the professional workforce is vital; we must build resilience and safeguard these critical services for the future.
- The knowledge, skills, and competencies inherent to Public Protection officers via thorough and ongoing professional training is not found elsewhere in local government. Professional career and employment opportunities have diminished in recent years, consequently there are limited numbers of newly qualified officers entering the services. This is exacerbated by an ageing workforce, the loss of officers to other sectors and agencies and a limited pool of professional officers to recruit.
- There is an urgent need for investment in training and recruitment of public protection officers, including trainees, graduates, and interns to ensure services are sustainable.
- A dedicated workforce development fund would enable local authorities and partners to work together on a comprehensive workforce strategy.
- The development of a Regulatory Compliance Apprenticeship in Wales would supplement and underpin the existing professional qualification pathways into Public Protection services.
- The profile of Public Protection services is currently at an all-time high and this should be maintained as the country recovers from the pandemic, to ensure public confidence in our role is assured.

Recommendations

- 1. Development of a clear, risk based programme of public protection activities that is co-produced by Directors of Public Protection Wales, Welsh Local Government Association, and Welsh Government and are delivered by local authorities, aligned clearly with national and local. Such arrangements for prioritisation should stay in place until a position of greater resilience can be achieved facilitating a return to fulfilling all statutory duties.**
- 2. In light of the current pandemic and lessons learned, local authorities, Public Health Wales, Health Boards, Directors of Public Health and the Welsh Government should work collaboratively to undertake a review of the role of local authorities in the wider health protection system.**
- 3. Local Authorities and Welsh Government, in recognising the vital role of public protection services, commit to increase the investment in budgets for those services to enable growth in frontline staffing levels to a more resilient level, utilising core budget investment or, as appropriate, long-term grant funding mechanisms.**
- 4. Creation of a funded public protection workforce development programme to recruit and retain a workforce with the requisite skills to meet existing and emerging demands. The programme must resource the provision of recruitment and training opportunities for environmental health and trading standards students. It must also equip and develop service leaders with the competencies needed to ensure public protection services continue to play a key role within local government.**
- 5. The establishment and financial support of a fully funded Regulatory Compliance Officer apprenticeship in Wales.**
- 6. The Welsh Local Government Association should work with local authorities and Welsh Government develop an action plan to maintain the current high profile of Public Protection services amongst the public, political leaders and policy advisors at a local and national level.**

1. Public Protection in Wales – An Essential Service

The Wales response to the COVID-19 pandemic has highlighted the vital importance of Public Protection services and demonstrated their important contribution to public health. Public Protection Services secure important outcomes for consumers, businesses, and the economy, yet operate with a relatively low public and political profile, often not regarded as a priority by local or national government.

Several reviews of public protection services in England and Wales illustrate that significant budget cuts combined with the additional statutory responsibilities being placed on these services within local government are increasing the pressures on already stretched services. Even before the pandemic, this was unsustainable.

Routine Public Protection work makes an important contribution to a range of local and national priorities. Public Protection Services work to address the wider determinants of health including food safety, occupational health and safety, air quality, housing standards, noise, and statutory nuisance. They issue environmental permits and work to control infectious diseases. Through their work they make a fundamental contribution to the maintenance and improvement of public health. Public Protection officers work collaboratively with colleagues in Health Boards, other local authority departments, including planning, community safety, and emergency planning and with other agencies, including Natural Resources Wales, the Food Standards Agency and the Health and Safety Executive to keep people safe. Perhaps, most importantly, we deliver important policy aims through collaborative enforcement initiatives. Often funded by central government, they are delivered by public protection professionals; something we believe can happen more often.

Public Protection officers enforce over 300 statutory duties dealing with a wide range of issues impacting consumers and businesses. The day-to-day work of trading standards alongside food chain and rural enforcement roles in areas such as feed and food, animal health and welfare and agriculture are a vital protection regime that allows a modern society to flourish.

Through licensing activities, a range of events and services, are regulated protecting the public by ensuring licence holders are fit and proper persons and that standards expected of businesses are maintained. Licenses are issued for alcohol and entertainment, taxis, animals boarding and breeding establishments, zoos and pet shops, gambling, street trading, sex establishments and charitable collections. These all play an important role in the prevention of crime, disorder and public nuisance as well as preventing unfair trading and safeguarding local businesses and community groups.

1.1 Public Protection - tackling the pandemic

The COVID-19 pandemic has highlighted the vital and wide-ranging role of Public Protection services in keeping our communities safe and in supporting businesses.

Directors of Public Protection have provided effective leadership and worked collaboratively across Wales to respond quickly to new challenges in unprecedented circumstances, demonstrating the flexibility, responsiveness, and value of the professionals in these services to national and local government. Examples include, providing leadership and support to the Test, Trace, Protect (TTP) teams in Wales, leading local and regional Incident Management Teams, identifying local clusters and incidents and informing and shaping the development of government policy, legislation and guidance relating to business restrictions.

Public Protection officers have been at the heart of the response. At an operational level they have been:

- Supporting businesses to comply with new legislation around business closures and more recently provided advice on how they can re-open safely
- Carrying out visits and checks to ensure businesses and event organisers understand and are complying with COVID-secure guidelines
- Investigating complaints from the public, for example around breaches of business closure regulations and where required taking enforcement action against individuals or businesses
- Working beyond their usual communicable disease remit with other council services to protect vulnerable people in high risk setting like care homes, schools, and key industries.
- Working collaboratively with the Police to prioritise compliance and enforcement key risks.

Throughout the pandemic, Directors have adopted a risk-based approach, prioritising work in connection with the COVID-19 response. This has meant diverting significant resource away from 'business as usual' activities and other work to protect local communities, including enforcement of new Health Protection Regulations. The local authority data submitted to Welsh Government (unpublished) demonstrates the significant consumer and business demand for Public Protection services in relation to COVID-19 and the scale of the response since March 2020.

We contend that the knowledge, skills, and competencies inherently built into our officers via thorough, and ongoing professional training is not found elsewhere in local government. These transferrable, and versatile skills and assets have enabled local government to perform to the very highest level during the pandemic and enabled local government to play a critical role in response to the worst public health emergency in living memory.

1.2 Public Protection contribution to national priorities

Our activities flow from legislation enacted by and policy created by both the Welsh Government and the Westminster Government. Consider the list of activities and initiatives below, that are all underpinned by commitments from public protection professionals to support the policy aims of many different government departments. Public Protection services also have a significant role to play in contributing to the delivery of commitments set out in Welsh governments ambitious Programme for Government 2021-2026. They are directly involved in work to:

- Modernise the taxi and private hire vehicle sector.
- Strengthen water quality monitoring.
- Introduce a Clean Air Act for Wales consistent with WHO guidance and extend the provision of air quality monitoring.
- Continue to improve existing homes by helping to tackle fuel poverty and improving housing standards.
- Deliver the WG Empty Homes Enforcement Agenda and contribute to the Transforming Towns Programme.
- Contribute to the wider climate change agenda.
- Develop a national model for reorganising animal welfare, introducing registration for animal welfare establishments, commercial breeder for pets or shooting and animal exhibits.
- Improve building safety so that people feel secure in their homes. This includes our work to improve standards and safety of high-rise buildings.
- Implement Wales' export plan.
- To work with Welsh Government to utilise the commitment to create 125,000 apprenticeships by creating a Regulatory Compliance Officer scheme, assisting with the public protection workforce crisis.
- Provide expert input into the Social Partnership space, in terms of the Health and Safety of workplaces.
- Providing the interface with business in relation to advice and enforcement of further bans on single use plastics.
- As competent food enforcement bodies, to provide input into the Wales Community Food Strategy.
- By using the potential of enhanced local government powers to improve the environment and a reduction of pollution from old coal tips.
- To provide backstop enforcement using existing legislative tools to prevent rogue traders entering new and expanding markets in the rapidly expanding "green" space where products and claims can scam the public.
- To use new or existing licensing, and other powers to assist in making cities, towns and places better places to live.

Public Protection officer knowledge and experience is currently being demonstrated through officer secondments to Welsh government to inform the development of Wales specific legislation/policy in the belief that good, workable legislation/policy is informed by the experience of delivery. Those officers, with experience in special procedures under the Public Health (Wales) Act, reducing the availability of illegal tobacco and working to modernise private hire and hackney carriage legislation to ensure the safety of the travelling public are key to the delivery of Welsh Government policy. A further officer has been working closely with Welsh Government to develop its plans to improve animal welfare. Public Protection has also been critical to the development and successful implementation of the Minimum Unit Pricing of Alcohol legislation in Wales.

Further examples of leadership shown by Public Protection Services in Wales working together to deliver key priorities for Wales, in a consistent and collaborative way are set out below:

- The **Primary Authority Scheme**, which provides assured advice to businesses in a range of technical areas based on full cost recovery. Primary Authority is a tool that has helped support a range of different sized businesses and trade associations in various sectors.
- The **Food Hygiene Rating Scheme** delivered by local authorities which allows customers who rely on the ratings to make informed choices about where they eat and buy their food.
- **Rent Smart Wales**, a service hosted by Cardiff Council working in partnership with public protection services across Wales to ensure compliance with housing legislation. We now have a system in place that regulates both the landlord and their properties through collaborative working.
- The **Trading Standards Wales Dog Breeding Project** underpins the delivery of some of the actions identified in the Animal Welfare Plan for Wales. It will challenge illegal dog breeding, offer support to local authority animal health services to respond to assertions of animal cruelty and allow councils some capacity to focus on wider animal health and welfare work. This is another example of local authorities turning policy aspirations into action.
- The **Wales Illegal Money Unit** funded by the Financial Conduct Authority investigates illegal money lending across Wales and any related crimes, as well as supporting the victims of loan sharks. The team also promotes financial capability and work in partnership with a host of organisations dedicated to tackling financial exclusion.
- Work to deliver a **Smoke Free Wales**, through our strategic role on the Welsh Government Tobacco Control Board and our delivery of smoke free premises

legislation since its inception and recent extension to cover hospitals, play grounds and other settings.

2. Public Protection in Perspective

2.1 Budget pressures

Significant budget cuts because of reductions in local government funding, have led to Public Protection services shrinking and a reduction in officer capacity. At the same time the number of statutory responsibilities being placed on these services continues to increase, adding to the pressure on already stretched services.

Services have been disproportionately impacted by austerity, with a decade of cuts seeing expenditure on Public Protection services in Wales fall by 55%.¹



Resourcing local services 2020-21 WLGA

According to the WLGA, 'total expenditure on Public Protection services is £56m and typically **less than half of one percent** of the local government budget. Services are under significant threat and any further reductions would have severe consequences.

Public Protection services have limited ability to generate income through fees and charges, through their licensing services. However, there are significant areas of statutory work where there is no provision in legislation to charge. There are further, limited opportunities to raise income e.g., providing business advice as a Primary Authority, certifying food for export, permitting industrial processes and revisiting food businesses on request following improvements for the purpose of re-rating under the food hygiene rating scheme. Where fees are determined locally, service managers seek to ensure that they reflect the cost of providing services. However, it should be noted that a significant proportion of fees are set nationally, and in many cases do not allow cost recovery.

Funding for Public Protection services must be viewed in the context of funding for local authorities. The WLGA previously reported that just to stand still on providing current services, local authorities would need a revenue increase of £254m in 2020-21 and similar

amounts thereafter.¹ On recent projections, local government in Wales will be required to absorb nearly £0.75bn of cost pressures over the next three years. Increased pressures on local government budgets means this situation has not improved. It is not unreasonable to predict that smaller services will continue to be squeezed by social care and schools, so now is the right time to begin to address the challenges faced by Public Protection services if they are to be maintained.

Reliable central funding for all existing and new duties; and new sources of funding to facilitate a future pipeline of officers entering the professional workforce is vital; we must build resilience and safeguard these critical services for the future. This is essential, not just to maintain adequate levels of public protection for the people and businesses in Wales, but to support our communities and businesses as they recover from COVID-19 and move through EU transition.

2.2 Competing priorities and backlog of demand

Pre-pandemic, local authorities planned and prioritised their work having regard to statutory requirements, intelligence, risk and need, but there were already challenges with competing demands. The pandemic has exacerbated existing capacity challenges and a significant proportion of *business-as-usual* Public Protection work has been suspended or operated in fragmented fashion as the national restrictions varied. In the last 18 months coronavirus has not been the only threat to our communities. The flooding incidents of 2020 across Wales saw public protection officers deployed to deal with the immediate impact, the clean-up and disease prevention measures. This has resulted in backlogs of inspections and reactive work which remains a challenge as officers continue the recovery of services to pre-pandemic levels; failure to address those backlogs in a timely and effective manner is creating additional risk.

The recent resumption of food inspections by local authorities following the pandemic has revealed a decline in standards at food premises. Whilst this is the clear message from officers working on the front line, it is too early to assess whether this is the case across most food businesses or a consequence of the fact that new businesses and existing businesses with a poor history of compliance are being prioritised for inspection. Consequently, the Food Standards Agency is keen to see a return to business as usual for local authorities as soon as possible, but at the same time, public expectation and general demand for Public Protection services are rising.

Whilst food safety and standards work has significant profile, backlogs have built up in other areas and there has been an increase in demand for services, leaving potential risks to public health in areas of work such as safety inspections of houses in multiple occupation; workplace health and safety inspections; noise complaints and evaluation of air quality data to inform action to protect communities. Public Protection teams are also leading discussions on interventions relating to the safety of high-rise buildings, a matter that not only puts residents at risk from fire but impacts on their mental health too.

EU exit has placed further demands on Public Protection services. Being a third country means that food products of animal origin, including fishery products entering the EU now must be accompanied by export health certificates. Supporting local businesses exporting to the EU, has put increasing demands on public protection officers who issue the certificates, likewise checks on products entering the EU will require officers to be recruited and trained. More generally, public protection officers are playing a key role in making sure new regulations and legal frameworks operate effectively. This includes offering advice to businesses and supporting them to successfully navigate changes to regulations and trade deals. The same officers will be called upon to deal with issues that arise because of these changes, ranging from uncertainty and ignorance of new rules by legitimate businesses to rogue traders seeking to exploit changes in legal frameworks.

New duties and expectations continue to be placed on Public Protection services without the capability to recruit more staff to support and deliver these changes. All these policies have important underlying objectives – but as COVID has shown, undertaking new activities without an enhanced capacity requires resources to be diverted from other areas of work. In the last two years, Public Protection services have seen new enforcement responsibilities created or proposed on diverse issues including: allergen labelling on foods prepacked for direct sale, a ban on smoking in hospital grounds, the sale of materials for wood burning stoves and new product safety requirements. Legislation is also envisaged for high rise buildings, air quality and taxi licensing, all of which will be likely assigned to public protection services. We believe that this extra allocation of duties belongs with this profession, but it needs to be resourced.

A significant proportion of the work carried out by trading standards and licensing services is not devolved and whilst environmental health functions are mostly devolved, the policy leads are spread across Welsh Government and national regulators. Demands on Public Protection services are therefore not co-ordinated and there is no overall sense of the cumulative impact of new burdens. We contend that there is a need for a cross-government(s) view about the overall demands on these services. A recognition of the extent to which local services are already having to prioritise and target their activities towards the most critical issues, and therefore realism about what can be delivered given the resources available. Regulatory impact assessments must recognise the cost of enforcement and ensure Councils have the capacity to deliver these important policies, or another important activity will have to be stopped to accommodate the new work.

There is a strong case for a more joined up approach on the part of government and national regulators in considering the impact of any new burdens and expectations of Public Protection services and for a new communications framework for additional burdens to be established which includes the opportunity for feedback and sequencing of changes. This could be co-ordinated by Welsh Government and assisted by Public Protection services in their business and resource planning. Public Protection directors have secured some agreement across Wales on those activities to be afforded the highest priority to facilitate service and resource

planning in the short and medium term. This prioritisation work was informed by evidence, and now needs developing with Welsh government, national regulators, and political leaders so there is joint recognition and ownership of risks going forward.

Recommendation 1

Development of a clear, risk based programme of public protection activities that is co-produced by Directors of Public Protection Wales, Welsh Local Government Association, and Welsh Government and are delivered by local authorities, aligned clearly with national and local. Such arrangements for prioritisation should stay in place until a position of greater resilience can be achieved facilitating a return to fulfilling all statutory duties.

2.3 Ongoing engagement in COVID related activities

The system wide response to COVID-19 in Wales has strengthened working relationships between key partners and improved engagement with individuals and communities. The challenge going forward is to identify how partners can build on these relationships to help create healthy and sustainable communities. Public Protection services remain heavily engaged in the pandemic response, but pressures are mounting to accelerate the return to business-as-usual activities in the absence of a clear strategy for emerging from the pandemic response. It has been noted that some other partners have, to some extent, withdrawn and returned to business as usual. It should be noted that during business-as-usual, local authorities do not generally have a role in the control of transmission of respiratory illness. An urgent review of the role of local authorities, in the wider health protection system should be carried out, in view of the vital role they have played during the current pandemic.

Public Protection Directors recognise and welcome the funding for additional COVID compliance staff, but it is only a short-term measure and any expectations of the enhanced public protection role this winter in the public health regulatory framework must be addressed else the prioritisation of workloads becomes even more difficult.

If expectations of enhanced activity continue, suitable long-term funding of employment contracts is essential to deliver those outcomes, avoid further strain on the system, and prevent newly competent and trained staff from leaving.

Recommendation 2

In light of the current pandemic and lessons learned, local authorities, Public Health Wales, Health Boards, Directors of Public Health and the Welsh Government should work collaboratively to undertake a review of the role of local authorities in the wider health protection system.

2.4 Workforce capacity

Public protection in local government offers a diverse, professional and rewarding career. However, reductions in local government funding have had a significant and detrimental impact on Public Protection budgets and staffing. As budgets have been cut, professional career and employment opportunities in these services have diminished in recent years, consequently there are limited numbers of newly qualified officers entering the services. Local authorities report:

- An ageing workforce that is shrinking due to both retirement and retention issues, with the loss of officers to other sectors and agencies
- Challenges in recruitment, with a limited pool of professional officers available and an increasing gap between filled and advertised posts.
- Difficulty in bringing in new officers due to lack of funding for trainees and new graduates. The cost of professional routes to qualification, the absence of an apprenticeship route alongside challenges in ensuring available management and operational time for mentoring new officers amplifies the problem.
- Concerns about the loss of specialist expertise in a number of areas

In 2014, the Wales Audit Office in their report *Delivering with less – the impact on environmental health services and citizens* identified disproportionate reductions in Environmental Health budgets and this caused notable reductions in staff numbers.

In 2019, their follow up report concluded that this trend had continued with some Councils having reduced budgets and services to critical levels and failing to deliver their statutory duties as a result.

The professional institutes the Chartered Institute of Environmental Health (CIEH) and the Chartered Trading Standards Institute (CTSI) continue to report a reduction in number engaged in public protection services.

Other research by Unison, the trade union, suggests that the number of Environmental Health Practitioners Officers and Trading Standards Officers in England and Wales has fallen significantly.

Given the vital work undertaken by these services, action must be taken to halt further cuts and reverse the decline in frontline services already experienced. Failure to do so will result in difficult decisions being made about which services will need to be further reduced or simply not provided in future.

Recommendation 3

Local Authorities and Welsh Government, in recognising the vital role of public protection services, commit to increase the investment in budgets for those services to enable growth in frontline staffing levels to a more resilient level, utilising core budget investment or, as appropriate, long-term grant funding mechanisms.

3. Investing in Public Protection Services to Build Resilience

3.1 Professional Development - capacity for the future

There is an urgent need for investment in training and recruitment of public protection officers to ensure services are sustainable in the long term.

The route into Environmental Health is an accredited undergraduate or post graduate degree in environmental health, a period in the workplace where skills and knowledge are assessed through a portfolio, followed by a professional interview by the accreditation and awarding body, CIEH.

Whilst there is a CIEH accredited environmental health degree course at Cardiff Metropolitan University, a reduction in the number of new environmental health students has been reported. Failure to attract more students puts the course at risk. More needs to be done to raise the profile of environmental health as a career choice and attract new recruits onto environmental health training courses.

Discussion with the university has identified the need for better collaboration between the university, local authority employers, undergraduates and CIEH as the professional body. Further, urgent action is required to promote local government as a career option to existing students and job and training opportunities in local authorities should be better communicated to the university as they arise.

Traditionally, the Trading Standards qualification was based on the Diploma in Trading Standards and later the degree in Consumer Affairs and Trading Standards. More recently, the diploma and degree have been replaced by a qualification framework administered by the Chartered Trading Standards Institute. Currently, the CTSI Professional Competency Framework (CPCF) provides the pathway to qualification. Whilst the CPCF is well suited to those already working in Trading Standards to obtain a professional qualification, it can take three years to complete and is unlikely to be a particularly attractive (or visible) offering to young people considering career options. It does not attract a student loan and ideally candidates require a career pathway through the qualification steps via a sponsoring local authority employer to make it attractive and achievable.

While there is no statutory or specific qualification associated with Licensing Services, the Institute of Licensing offers a Professional Licensing Practitioners Qualification. This is currently available in an intensive, online format. The recruitment problems being experienced for qualified environmental health practitioners and trading standards officers is not being reported for licensing officers.

Public Protection services in Wales work collaboratively through the Directors of Public Protection, Environmental Health Wales, Trading Standards Wales, and a network of Expert Panels. There are agreements in place to provide mutual aid and some shared services. Local authorities in Wales are committed to working collaboratively to increase resilience and while regional working arrangements have further strengthened in response to COVID-19, services are under immense pressure when it comes to recruiting new officers.

We therefore recommend the creation of a dedicated Public Protection Workforce development strategic fund; Local authorities need to recruit graduates and trainees to deliver Public Protection services, but budget limitations have constrained their ability to do so, with services struggling to cover their salary costs. A dedicated workforce development fund would enable local authorities to work together on a comprehensive strategy to employ young people on intern programmes, support newly qualified officers to achieve professional accreditation and to support graduates from other disciplines to complete a post graduate qualification to ensure we develop within local government the environmental health and trading standards professionals of the future. **Appendix 1** provides detail on the elements of such a Development fund and estimates a requirement for £18.2 Million over 5 years to sustain and build resilience.

Recommendation 4

Creation of a funded public protection workforce development programme to recruit and retain a workforce with the requisite skills to meet existing and emerging demands. The programme must resource the provision of recruitment and training opportunities for environmental health and trading standards students. It must also equip and develop service leaders with the competencies needed to ensure public protection services continue to play a key role within local government

3.2 A New Regulatory Compliance Apprenticeship

Directors of Public Protection have already engaged with Welsh Government officials on the creation of a regulatory apprenticeship scheme for Wales. The development of a regulatory apprenticeship in Wales would supplement and underpin the existing professional qualification pathways into Public Protection services and assist with recruitment to Licensing posts. We believe that an investment in the new Apprenticeship role (which we have costed to be approximately £7.78 Million over the next 4 years- Refer to **Appendix 2**) is a

proportionate investment in prevention, and would form a key, additional component of the Public Protection Workforce Development Strategic Fund which we recommend above.

Recommendation 5

The establishment and financial support of a fully funded Regulatory Compliance Officer apprenticeship in Wales.

3.3 Sustainable Funding – future opportunity

We recognise that a long-term consideration to improve resilience in Public Protection services is the development of sustainable funding streams that enable local authorities to maintain current resources, increase capacity and invest in development of the current and future workforce. We understand that funding for regulatory services must be viewed in the context of sustainable funding for councils overall and that within Public Protection there is scope to explore new funding streams to avoid the full burden on taxpayers, with regulated businesses contributing more toward the cost of regulation.

We accept that exploration of options for new fees is sensible and DPPW is committed to being part of any work to progress such options in the future with Welsh and UK Government as appropriate. Now however, may not be the right time to increase fee levels or introduce new fees given the focus on post-COVID business recovery. Businesses hit hard by the pandemic, particularly in the hospitality sector, need to be given time to recover and thrive, to be nurtured back to stability: a role that environmental health, licensing and trading standards have a big part to play in through their business support activities.

The position will change in the coming years and viable businesses will return to a more secure footing. There is a need to plan, so that we are able to take action at the point when it is appropriate to do so, but cost recovery models are not a present option for consideration and would not offer the short to medium term solution required to address the immediate crisis in local government public protection services.

4. A Visible and Valued Public Protection Service

The key role played by Public Protection services over the last 18 months in tackling the pandemic has been exceptional and has increased political and public awareness in Public Protection services at a local and national level. Normally unseen, the profile of Public Protection services is currently at an all-time high and it will be important for services to maintain this high profile as the country recovers from the pandemic, to ensure public confidence in our role is maintained and as business- as- usual activities resume.

Directors of Public Protection have ensured the effective use of the essential additional temporary funds that have been made available during the pandemic but warn that when these dry up, of necessity the volume of additional activities provided will also stop. There is a risk that the skills and knowledge of temporary staff recruited to respond to the pandemic will also be lost. Service managers have recognised the skills these individuals bring to the professions and wherever possible been able to make these posts permanent due to vacancies on their establishments to improve existing resilience

The value of these services is in the prevention of harm to the public, the positive value it adds to economic and local business success, and the protection of the environment. To rightly view public protection services in these terms, would eliminate any desire to reduce its capacity, and conversely, would provide impetus and rationale for sustained future investment.

Recommendation 6

The Welsh Local Government Association should work with local authorities and Welsh Government to develop an action plan to maintain the current high profile of Public Protection services amongst the public, political leaders and policy advisors at a local and national level.

Public Protection Workforce Development Programme (5 years)

Financial Information

Environmental Health Practitioners

Trainees can be graduates from other disciplines on a 2 year, part time MSc programme or environmental health graduates on a 2 year intern programme.

The following table provides indicative costs of employing 1 new trainee environmental health practitioner per annum, per local authority over 5 years (4 cohorts of 22 trainees)

MSc Environmental Health - 2 year part time

	Salaries with on-costs ¹	Tuition fees ²	Professional fees ³
Year 1	880,000	99,000	0
Year 2	1,760,000	198,000	15,400
Year 3	1,760,000	198,000	15,400
Year 4	1,760,000	198,000	15,400
Year 5	880,000	99,000	15,400
Total	7,040,000	792,000	61,600

Total cost £7.9m over 5 years

This has the potential to add an additional 88 environmental health practitioners to the workforce in Wales.

Trading Standards

Training for trading standards officers takes three years. Over five years, 3 cohorts of trainees could be trained. Assuming one new trainee per local authority per annum, 66 new officers could be trained. Indicative costs are set out in the table below

	Salaries with on-costs ⁴	Tuition fees ⁵	Expenses ⁶
Year 1	1,041,106	86,658	7,333
Year 2	2,082,212	173,316	14,667
Year 3	3,123,318	259,974	22,000
Year 4	2,082,212	173,316	14,667
Year 5	1,041,106	86,658	7,333
Total	9,369,954	779,922	66,000

Total cost £10.2m over 5 years

- 1 Salary costs are based on £25,000 +60% on costs (£40,000 per trainee) per annum
- 2 Tuition fees are in the region of £9,000 per trainee over 2 years
- 3 Professional fees have been estimated at £700 per trainee
- 4 Salary costs are based on £29,577 +60% on costs (£47,323 per trainee) per annum
- 5 Tuition fees are £11,817 per trainee (£779,922) over 3 years
- 6 Expenses estimated at £1,000 per candidate £66,000 over 3 years

This has the potential to add an additional 66 trading standards officers to the workforce in Wales.

Leadership training

To provide leaders with the competencies to ensure public protection services continue to play a key role in local government in the future,

Indicative costs for 22 senior managers £110,000

Total workforce development fund for environmental health and trading standards, including leadership training £18.21m

- 1 Salary costs are based on £25,000 +60% on costs (£40,000 per trainee) per annum
- 2 Tuition fees are in the region of £9,000 per trainee over 2 years
- 3 Professional fees have been estimated at £700 per trainee
- 4 Salary costs are based on £29,577 +60% on costs (£47,323 per trainee) per annum
- 5 Tuition fees are £11,817 per trainee (£779,922) over 3 years
- 6 Expenses estimated at £1,000 per candidate £66,000 over 3 years

Workforce Development Fund

Regulatory Compliance Officer Apprentice

Financial information

Workforce surveys have highlighted low numbers of trainee posts putting the future of Public Protection services at risk.

Financial assistance to fund salaries of Regulatory Compliance Officer (RCO) apprentices (2 years) in Wales would supplement and underpin the existing professional qualification pathways into Public Protection.

A four-year RCO development fund would support 133 new RCO apprentices. This is the number of apprentices local authorities have advised they could realistically support over four years.

Year 1	Source of apprentices	Total employed in year
Year 1	54 starting in Year 1	54
Year 2	39 starting in Year 2, plus the 54 that started in Year 1	39 + 54 = 93
Year 3	40 starting in Year 3, plus the 39 that started in Year 2	40 + 39 = 79
Year 4	The 40 that started in Year 3	40

Indicative salaries¹

Year 1	£1,579,176
Year 2	£2,719,692
Year 3	£2,310,276
Year 4	£1,169,760
Total	£7.78m

¹ Based on 133 new RCO apprentices over 4 years. Living wage (£18,278) plus 60% on costs £29,244 per trainee per annum.