Chartered Trading Standards Institute qualifications

Examiners report

CTSI Professional Competency Framework

Stage 2 Professional Interviews Regulating Markets October 2022

General

A total of four candidates attempted the regulating markets professional interview resit, achieving between 40% and 58%, and therefore all candidates passed the examination.

A single scenario was used, which required problem solving of a regulatory scenario which included elements of intellectual property protection and product safety. All the candidates found this relatively difficult to do, focussing too much on regulatory compliance rather than considering risk as the primary determinant of regulatory action.

The examination is a problem-solving exercise which requires candidates to think on their feet and determine the relevant strategy and tactics to address a regulatory scenario which they could easily come across in their career. It is not necessary to recite legislation and most but rather determine the factors that determine the optimum regulatory response. All questions require a consideration of the following elements:

1. What is the problem, and what does a successful response look like?
2. How serious is the problem, and what priority should a trading standards service give it in the scheme of tasking work?
3. This will generally lead to some form of risk analysis.
4. Regulatory action will be a risk management action, designed to eliminate, mitigate or warn.
5. There are usually a range of regulatory tactics which can be used to manage the risk, in the immediate, medium and long terms.
6. Metrics for assessing the change in risk following regulatory action should be capable of determination.

Candidates were able to broadly determine the problem, it's effect on risk or potential risk, and determine appropriate regulatory tactics to address this in a meaningful way. There were some who struggled to consider the metrics by which success could be measured, which is necessary as there would be no way of determining when to stop a particular action if success is not defined.

These interviews are now conducted online with relevant controls to ensure examination conditions, following successful trials of this during the Covid-19 pandemic.
As previously, candidates were given a regulatory scenario with ten minutes to read it and make notes before being showed the questions and asked them in turn with a maximum of 20 minutes to answer. If there was time left, then they were given the opportunity to reread and add to or modify any of their previous answers.

The questions themselves do not focus on the technical detail of the regulatory issue under consideration, and so previous specialisms in route of study do not offer any advantage if the subject matter and the study happen to overlap.

In summary, the standard was adequate ranging to good, and candidates clearly understand the expectations of this examination and address these in a positive way, despite the challenges of an oral problem-solving examination conducted online.

Example Scenario:

You receive information from a UK manufacturer of a patented design baby carrier (for children aged 0-6 months) suggesting that his design is being copied by other 'off brand' manufacturers and is being sold widely over the internet.

He says he has purchased a couple of these products from different UK vendors via Amazon and they are the exactly same as his but he does not think the quality is sufficient to ensure the product's functionality over its intended product life.

Questions Asked during the interview:

1. What advice would you give to the manufacturer to protect his design and intellectual property?
2. How would you approach the issue of unauthorised copying of the product on a national level? What factors would impact on this?
3. What information would be relevant to an intelligence-based assessment of this problem?
4. What methodologies would be relevant to ensuring that copied products do not make it onto the UK and European markets?
5. How would you monitor and review the success or otherwise of your methodology and the interventions arising from it, and adjust these in light of new evidence?

Knowledge to be demonstrated
Q1 Knowledge of national and international IP and design protection. Patents and designs and IPO. Protection of patents. Consideration of legitimate supply chains and methods of distinguishing these from those distributing copy products. Will copy products infringe IP or not be in conformity/present an intolerable risk of harm?
Q2. Knowledge and understanding of approved manufacturers.
Q3 Knowledge of prioritisation through risk, and the factors that impact on risk, both known and unknown. Using existing profiles to target relevant economic operators.
Q4. Knowledge of Primary Authority protocols with large e-commerce organisations. Disruption and removal of products from the market. IP powers and product safety powers. Targeting at ports and borders, and the use of conformity assessment to prevent entry or prohibit release for free circulation. Communication with other TSs and prioritisation if intolerable risk. Intelligence of suppliers from profiling of previous activities.
Q5. Knowledge of the mechanisms of data collection, how these demonstrate success of the interventions, and how to review these and adjust as necessary (e.g. direction of further resources if disrupted products turn how to be high risk.