Examiner's report

CTSI Professional Competency Framework

**Stage 1: Unit 2 Business and Consumer Legal Frameworks
Examiner's Report May 2023**

General

42 candidates sat the Unit 2 examination paper this year and 95% of candidates achieved a pass mark or higher, with only 2 candidates failing to obtain a pass. Congratulations to all of the candidates who undertook the examination. Examinations are challenging and the results from this cycle demonstrate that candidates have put in a lot of hard work, which is to be commended.

The marks for the Unit 2 May examination cycle ranged from 30% to an outstanding 80%.

Although there were gaps in knowledge demonstrated by some of the answers provided as detailed below, there were also some impressive answers. For candidates looking to improve upon their examination technique for future examinations, the main feedback is to ensure you are answering all parts of the question, not repeating examples in a different way and ensuring you provide a sufficient level of detail in your answers, that is appropriate for the marks allocated to that question. Practicing your timing and the level of detail provided by using past examination papers can help candidates to develop these skills.

Section A

Q1 This was the most popular question on the Unit 2 paper and was attempted by 40 candidates. The marks awarded ranged from 5 – 10 and most candidates achieved high marks in this question, which was excellent to see.

Knowledge of the different types of business entities is an important part of the Unit 2 syllabus and comes up in both Section A and B on the Unit 2 examination paper. Having knowledge of different business entities can help you to develop your investigative and decision-making skills as part of your day-to-day work as a Trading Standards professional.

Part (a) of this question required a description of the main features of a sole trader, which could have included having one owner of the business, being a non-incorporated entity, trading under their own name etc. and common examples could include plumbers, builders etc.

Part (b) was well answered by most candidates and high marks were easy to achieve if candidates provided three different advantages and disadvantages to being a sole trader. Providing the same advantage or disadvantage explained in a different way will not attract multiple marks and should therefore be avoided.

Q2 This question was much less popular and was attempted by only 8 candidates. The marks ranged between 2 and 8.

Stronger answers to this question discussed the Competition and Markets Authority's (CMA) role including dealing with whole of market issues, competition law, mergers and acquisitions, is an independent non-Ministerial Government department and a member of the Consumer Protection

Partnership. Examples of how their work relates to the work of Trading Standards services could have included leading on unfair contract terms work and issuing guidance for enforcers and businesses and being notified when action is being taken under the Enterprise Act, for example.

Q3   24 candidates selected this question to answer and the marks achieved ranged from 1 - 10.

Part (a) of this question was well answered by most candidates, who correctly identified that PESTLE stands for political, economic, sociological/socio-cultural, technological, law and the environment. Some marks were lost by candidates who did not provide examples or simply explained the terms rather than providing an example. For example, with the law, candidates simply stated it related to legislation that affects businesses rather than giving an example of a piece of legislation that may apply.

Part (b) of the question was also dealt with well by most candidates and good answers discussed reasons such as to help identify or understand external environmental factors, to help identify threats and opportunities, to increase understanding of customer needs and marketplace issues, competition and advance notice of changes in policy or law.

Although most candidates achieved good marks in this question, some candidates did not and were unable to identify what PESTLE stood for and how it could be used. It would have been better for these candidates to have selected another question to answer.

Q4   This was a less popular question with 10 candidates choosing to answer it. The range of marks were between 1 and 7.

Some candidates were not able to explain what devolved government is or to provide examples, so selecting an alternative question would have been a better option for them. The first part of the question required an explanation of devolved government, such as the transfer or power from the central government to a local or regional administrator usually governed by a unique devolution settlement. An example could be devolution to Welsh Government to make laws in certain areas for Wales. Examples of devolved laws could include food standards, public health etc.

Part (b) of this question required candidates to demonstrate knowledge of the importance of devolved laws. Examples could have included where businesses are importing or exporting their products and services, for issuing Primary Authority assured advice or inspection plans, trading across the UK and differing enforcement options/approaches to non-compliance.

Q5   This question was poorly answered but was fairly popular with 18 candidates choosing to answer it. Marks ranged from 1 – 5.

This question focused on the requirements set out in the Regulators' Code relating to providing clear information, guidance and advice. Some candidates set out the main principles of the Regulators' Code rather than discussing the recommendations in the Code relating to the principle of providing clear information, guidance and advice. It is important that candidates read the question that is being asked. Listing the requirements set out in the Regulators' Code for achieving this principle would have achieved full marks for this question. Some of the requirements include issuing advice and guidance focusing on supporting the business and helping them to understand their requirements, distinguishing legal requirements from good practice and ensuring advice does not impose unnecessary burdens on business.

Q6   This was another popular question with 25 candidates answering this question and the marks awarded were between 6 and 10. It was excellent to see a good level of understanding of the different types of vulnerability that we encounter within our role and how this can affect a consumer's decision-making ability.

This question required candidates to provide two examples of different ways that consumers may be vulnerable and explain how this may affect their decision making. Candidates approached this

question in different ways, such as providing an example of situational vulnerability and then marketplace vulnerability. Marks were lost where insufficient detail was provided when discussing the impact of the vulnerability on decision making.

Section B

Q7 This was a very popular question with 41 candidates electing to answer this question. The marks awarded ranged from 9 to an excellent 28 out of 35 marks.

Part (a) required candidates to describe information that would be covered during the presentation to the Trade Association. Good answers included an explanation of what the Primary Authority scheme is and the relevant legislation that underpins it, as well as the functions of assured advice, inspection plans and how they relate to enforcement activities. The role of co-ordinated partnerships and how they work and can be set up with any Local Authority is another important area to cover, as well as explaining the Primary Authority register functions. Devolved issues, examples of existing co-ordinated partnerships and a list of benefits, such as consistency, assured advice from regulators, one point of contact etc.

Part (b) was generally well answered, although some candidates confused trade associations with trusted traders and confused the names of the Trade Associations given. Some candidates also discussed the benefits to consumers whereas the question focuses on the benefits to the businesses who become members. There were many examples to choose from such as training, advocacy and ADR, legal updates, lobbying, networking and sharing expertise and knowledge.

Q8 23 candidates chose to answer this question, with marks ranging from 9 to 29.

Part (a) and (b) of this question were generally well answered with good examples provided by most candidates. When using legislation as examples of mandatory controls, it is important that candidates know the correct title of the legislation. Specific examples need to be provided where they are asked for in order to obtain full marks.

For part (c) of this question, candidates needed to discuss whether they agree with the statement provided by using examples to support the points raised, as well as discussing the advantages and disadvantages of mandatory and voluntary controls. Candidates who adopted a clear and methodical structure to their answers achieved higher marks in this question. Better answers considered factors both in agreement and disagreement with the statement, along with supporting examples and a strong conclusion.

There were some very strong answers provided for this question and candidates demonstrated a good knowledge of both mandatory and voluntary controls, how they work alongside each other and their importance.

Q9 This was a less popular question with only 12 candidates choosing to answer it. The allocated marks ranged between 9 and 22.

This essay style question required candidates to provide examples of how Trading Standards Services protect both consumers and honest businesses from harm. It also required candidates to discuss results achieved over the last year across the range of functions, which gave candidates the ability to draw on their own work and reports they had read about regional and national projects.

The better answers provided a discussion of areas of work related to the protection of consumers, such as product safety, safeguarding work, doorstep crime, unfair contract terms and underage sales and protection of legitimate businesses, such as metrology, misleading claims made to businesses under the Business Protection from Misleading Marketing Regulations 2008, intellectual property and Primary Authority work. Candidates who achieved higher marks then went on to discuss results achieved across different areas of work and supported these examples with evidence from report and data.

Due to this question being a Part B question and the number of marks available, some candidates did not provide sufficient detail to pick up the marks on offer, or did not answer all aspects of the question. Some candidates also spent their time just discussing one example of work in great detail, which did not address the question fully.

Q10 This question was chosen by only 8 candidates, with all candidates achieving between 10 – 25 marks.

In part (a), candidates needed to outline the stages of the product lifecycle and explain how these stages could affect the attitude of a business to compliance. These were easy marks to obtain if candidates had revised this model and understood its application.

Stages include introduction to market, growth, success, maturity and decline and some candidates provided excellent answers to this question. This part was answered much better than part (b) of the question.

Part (b) focused on the factors relevant to giving advice to a business whilst at their premises, to ensure your communication is carried out as effectively as possible. Discussion points could have included barriers to communication such as language, method of communication, recording of the communication, prejudice, the environment and whether it is suitable for giving advice, ensuring the advice is being given to the correct person, differentiating between legal requirements and best practice, clear, transparent and easy to read and use of appropriate language and no jargon.