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|  | | | | JOB DESCRIPTION | | | Form JD1 |
| JOB TITLE: Regional Investigations and eCrime Manager | | | | | POST NUMBER: | | |
| **REPORTS TO** (Job Title): | | | | | Head of Public Protection | | |
| DEPARTMENT: Place, Public Protection | | | | | GRADE: 12 | | |
| **JE REF:** | | | 0172 | | PANEL DATE: | 30/11/2021 | |
| **1.** | **MAIN PURPOSE OF JOB**  To lead a grant funded trading standards investigation and enforcement team to tackle the scams and complex cases of consumer fraud perpetrated on a regional and national basis.  To represent the council on a national level, maximising the opportunities for the council to grow this area of business. | | | | | |
| **2.** | **CORE RESPONSIBILITIES, TASKS & DUTIES:** | | | | | |
| i. | To lead and manage a specialist team of investigators on behalf of the National Trading Standards Board (NTSB). The remit of the team is to minimise the incidence of cross local authority boundary and internet based (eCrime) rogue trading. | | | | | |
| ii. | To develop a programme of work, prioritising team activities to ensure that all resources are utilised to maximum effect to tackle the most complex cases. | | | | | |
| iii. | To develop and maintain close links with high level contacts with national bodies, other agencies (particularly the police and other local authority services), for the effective and efficient achievement of team objectives. | | | | | |
| iv. | To direct complex investigations into serious breaches of trading standards and related legislation. To ensure that all cases subject to criminal prosecution are assessed for possible confiscation proceedings under the Proceeds of Crime Act 2002. | | | | | |
| v. | To ensure that all records of all work undertaken are accurate and available for scrutiny. | | | | | |
| vi. | To consider reports on breaches of trading standards and related legislation from team investigators and to decide on a suitable course of action including prosecution. In cases where City of York Council is not the prosecuting authority to negotiate with appropriate contacts within local authority trading standards services for the purposes of determining who will take responsibility for instituting legal proceedings. | | | | | |
| vii. | To ensure that the enforcement policy under which the team operates is ‘fit for purpose’ and capable of withstanding legal challenge in the Courts. | | | | | |
| viii. | To prepare reports on team activities for consideration by the NTSB, the Executive of the Yorkshire and the Humber Trading Standards Group (YAHTSG) and other external bodies as required. To prepare auditable financial accounts on team expenditure and to identify any emerging operational, financial of reputational risks to NTSB on a regular basis. | | | | | |
| ix. | To train and develop officers to a high standard and to ensure that all relevant health and safety requirements for the operation of the team are met. | | | | | |
| x. | To proactively engage with the media at regular intervals to ensure the team has a high profile. To respond to requests from the media as necessary. To initiate and take part in promotional activities (locally, regionally and nationally). | | | | | |
| xi. | To represent the council as a prosecutor and present cases in the Magistrates’ Court. To assist legal departments in other local authorities of YAHTSG. To issue instructions to Counsel as necessary for the conduct of cases in the Crown Court. | | | | | |
| xii. | To perform the duties of a senior appropriate officer for the purposes of the Proceeds of Crime Act 2002. This will include the authorising of restraint orders to freeze defendants’ assets and the authorising of production orders to examine a defendant’s financial records. | | | | | |
| xiii. | To authorise surveillance activity under the provisions of the Regulation of Investigatory Powers Act. | | | | | |
| xiv. | To prepare an annual budget for the team and ensure the team operates within that budget. | | | | | |
| xv. | To prepare bids for additional funding to support team activities. | | | | | |
| **3.** | **SUPERVISION / MANAGEMENT OF PEOPLE**   * Direct: up to 10 FTE (and up to 10 agency/temporary staff allocated for specific grant funded investigations) including roles such as Senior Investigators, Investigators, Investigation Assistants, Disclosure Officers and Administrators   These staff regularly work across the whole of England and Wales, regularly working out of office hours, including at weekends, and there are some home workers under the CYC home working policy. | | | | | |
| **4.** | **CREATIVITY & INNOVATION**   * This is a high profile team whose aim is to tackle the worst (and most complicated) examples of consumer crime. The post holder must be able to develop a strategic direction for the team in new area of trading standards enforcement where there are no established guidelines (e.g. maximising the deployment of open source investigative techniques to tackle internet based crime) * The post holder must be able to understand criminal behaviour and have a proactive approach to developing innovative and effective solutions to problems (both existing and emerging). * To have a ‘not one size fits all’ attitude to taking enforcement action recognising that the outcome is important rather than the process. * Creates policy documents and procedures, where there is no ‘global handbook’ to follow. Many have to fall within legal constraints and have to be robust enough to withstand challenge in the courts. * Has to use knowledge and technical expertise to create soundly based arguments for presenting prosecution cases in court. * To assist in the development/improvement of an internet based case management system. | | | | | |
| **5.** | CONTACTS & RELATIONSHIPS **Internal:**   * The post holder will have regular (possibly even daily) contact with officers in other council regulatory departments to share intelligence and to progress joint investigative projects. He/she will be expected to give expert advice and support to officers from the team and other local authorities and agencies on a range of operational issues. * Regular contact with Executive Members, Chief Officers giving advice on all investigation and compliance issues (both strategic and operational).   **External:**   * The post holder will have regular contact (several times a month) with members of National Trading Standards Board (NTSB), their programme office and the National eCrime Coordination Manager to give feedback on the progress of cases and the identification of new cases for tasking to the team. * The post holder will have regular (several times a month) contact with managers and chief officers in the 11 Trading Standards Services in Yorkshire and Humber Trading Standards Group (YAHTSG), other Regional Investigations teams, the police, Regional Economic Crime Unit and other law enforcement agencies. These contacts will often include difficult negotiation around memoranda of understanding and joint working arrangements. The priority will be to forge productive working relationships in areas where there is often scope for a conflict of interest. * The post holder will also be expected to attend regional and/or national meetings (relevant to the work of the team) to represent the interests of NTSB, YAHTSG and also City of York Council. * The success of the team (and reputation of the NTSB and the 15 local authorities in YAHTSG) will be dependent on regular, productive and collaborative working (e.g. intelligence sharing) with agencies previously unfamiliar to the majority of trading standards services. These include the National Crime Agency, the National Fraud Intelligence Bureau and the Regional Asset Recovery Team. * The nature of the work means that there will be regular contact with individuals who operate a criminal lifestyle with all that entails. Some situations will be confrontational and difficult. The post holder must be able to use a range of skills to cope with these situations including tact, assertiveness, robust interview techniques etc. | | | | | |
| **6.** | **DECISIONS – discretion & consequences**   * In the absence of any formal guidelines to decide which cases are subject to investigation by the team. * To discontinue investigations as appropriate. * To decline to undertake an investigation on behalf of a local authority in YAHTSG in the absence of any formal memorandum of understanding / agreement regarding responsibilities for legal proceedings and other formal enforcement outcomes. * Planning, prioritising, allocating and monitoring work. * Prohibit trading activities from taking place. * Decides what applications are to be made to the Crown Court to restrain an individual’s assets for confiscation proceedings under the Proceeds of Crime Act 2002- These assets will regularly be valued at several £1m * In consultation with the Director of Governance and the Director of Environment, Transport and Planning, to consider and approve the issuing of appropriate formal enforcement action including prosecution proceedings against defendants. To support the Director of Environment, Transport and Planning in their liaison with the Director of Governance who will instruct counsel to represent CYC in prosecution proceedings.   The consequences of getting these decisions wrong will result in significant damage the reputation to CYC and one or more of the local authorities in YAHTSG, NTSB or the financial or physical wellbeing of the individuals/ businesses involved.  Prosecutions undertaken by the team are very costly. Most involve multiple defendants and invariably result in a lengthy Crown Court trial – there will regularly be more than one trial running at once and throughout the year. Custodial sentences are often imposed as the value of the consumer detriment/criminal benefit concerned can often involve £tens of millions The consequence of making the wrong prosecution decision could leave the council open to significant financial loss. | | | | | |
| **7.** | **RESOURCES – financial & equipment**  *(Not budget, and not including desktop equipment.)*  Description Value   * Surveillance and investigation equipment (£35K), physical evidence following seizures etc. (various values up to £1m), departmental vehicles.   These are shared resources amongst the team. | | | | | |
| **8.** | **WORK ENVIRONMENT – work demands, physical demands, working conditions & work context**  **Work demands:**   * The work covers a wide area of activities (with often conflicting demands) and the post holder is required to ensure that service objectives are met. * Routine duties are always liable to be interrupted by unforeseen demands on the service and the post holder is responsible for regularly rearranging work patterns in order to meet emergency situations and very tight court deadlines where these arise. Pressure to meet statutory deadlines and time limits.  Balancing the need to achieve speedy outcomes with the need to ensure fair and thorough investigations are carried out in accordance with legal rules. **Physical demands:**   * Predominantly office based involving the use of computer equipment. * The post holder is required to carry out enforcement activities, which involves visiting suspects' premises. This requires; transporting equipment, driving, lifting and carrying heavy and awkward equipment, and occasional working at height.   **Working conditions:**   * When away from the office the post holder can be working indoors or outdoors and can encounter inclement weather.   **Work context:**   * The work of the post holder can involve regular; lone working, working out of normal hours, confrontational, unpleasant and disturbing situations. * The post holder will occasionally (3 or 4 times a year) be required to work away from home for periods of up to a week. | | | | | |
| **9.** | **KNOWLEDGE & SKILLS**   * A relevant qualification relating to criminal investigatory or enforcement work. * Substantial senior management experience of working in a regulatory/enforcement function that operates regionally & nationally. * Experience of working with, and influencing National and regional bodies in a senior management capacity. * Excellent leadership abilities. * Must have a proven track record of working as an investigator in the law enforcement community and undertaking complex investigations into breeches of criminal legislation. * Specialist knowledge and experience of one or more investigative techniques. * A sound knowledge of and ability to interpret Trading Standards legislation and apply it practically. * An ability to supervise and lead complex investigations, surveys and manage projects. A detailed knowledge of powers, court rules and procedures to ensure evidence is admissible and an ability to use this knowledge in a wide variety of situations. * A good knowledge of IT systems including the ability to interpret and act upon information contained in databases. * An excellent ability to communicate clearly and effectively with a variety of customers and audiences both verbally and in writing. * A sound ability to negotiate with colleagues with conflicting priorities to ensure team objectives are met. * The ability to make and act upon decisions often in difficult or pressurised situations*.* * The knowledge to carry our risk assessments of team activities and to implement solutions to mitigate those risks. * To have a thorough understanding of the National Intelligence Model, how to interpret and use ‘intelligence’ and how to implement relevant control strategies. * Advocacy skills necessary for presenting cases in court. * Budgetary skills to ensure team operates within agreed budgets. * A detailed understanding of the ‘bigger picture’ in terms of how trading standards interacts with national and regional issues and how the activities of the team will support (or possibly conflict with) the priorities of NTSB and the different local authorities in YAHTSG.   **Ability to converse and provide advice and guidance to members of the public, in spoken English, to Common European Framework of Reference for Languages (CEFR) - level C2** - Mastery or proficiency - Can express him/herself spontaneously at length with a natural conversational flow, avoiding or backtracking around any difficulty so smoothly that the person with whom they are conversing is hardly aware of it. Can understand with ease virtually everything heard or read. | | | | | |
| **10.** | **Position of Job in Organisation Structure** | | | | | |