

The UK's Enforcement Gap 2020

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LET'S PROTECT WHAT MATTERS MOST

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About Unchecked UK

Unchecked UK makes the case for common-sense protections which help keep people safe and allow businesses to thrive.

We are a rapidly growing network of leading and diverse civil society organisations who see sensible, properly-enforced protections as the framework for a decent society - where the food we eat and the things we buy can be trusted, where the natural environment is protected, our homes and workplaces are safe, and our rights are safeguarded.

We carry out research and investigations to highlight the loss of protection for the UK public that results from the erosion of important regulations and of the public bodies which enforce them. Through public insights research, we shape new positive narratives about our shared protections and the enforcement teams who work hard to keep us safe. We run campaigns to show how important strong rules are to everyday life, and work with our civil society partners to develop policy alternatives to the deregulation approach.

This is a critical moment for the future of regulations and protections in the UK. The combined pressures of post-pandemic recovery and Brexit trade negotiations have the potential to accelerate the UK's 'protection problem', in terms of a new wave of austerity, insufficient regulatory capacity, and a race to the bottom on standards.

Unchecked UK aims to shift the political dynamic around regulation, and to build momentum for proper investment in strong rules and the public bodies which defend them. We are a non-partisan organisation, incubated as a project of The Ecology Trust.

Find out more about our work:
www.unchecked.uk

Introduction

Strong rules are good for Britain. From tackling Covid-19 and climate change, to ensuring our food and products are safe, to enhancing local spaces and improving children's health; common-sense protections contribute to a decent, prosperous society where businesses play fair and people feel safe.

But these protections are only as good as the enforcement which underpins them. If rules and regulations are un-enforced, then they are not worth the paper they are written on.

The Covid-19 pandemic has thrown into sharp relief the importance of shared rules, and of the effectiveness of the public institutions that defend them. The overwhelming compliance with lockdown measures demonstrated the willingness of British people to comply with rules, so long as their purpose is clear and they are fairly applied.

And this is not a partisan issue. Unchecked UK's qualitative research with first-time Conservative voters in former 'Red Wall' constituencies finds that the commitment to fair rules runs deep across the political divide. These voters feel that "rules and regulations are needed, just to keep order." They "make[s] us all tick every day, we need them there in order to guide us to live a sensible life." Keeping to the rules means "that we are part of this great Britain," and that we can be "proud of being British."

Support for strong, well-enforced rules fits neatly alongside many traditional conservative values, such as the belief in law and order, security, fair play and a level playing field for business. However, over the last decade, the UK's enforcement capacity has been massively eroded by successive governments. Swingeing budget cuts and slashed staff numbers have been accompanied by long-term declines in regulatory enforcement activity.

We find that, across the regulatory areas we cover in this briefing, average budgets have fallen by a staggering 41% in real terms over the last decade, and staff numbers by well over a third.

In total, the loss of staffing capacity over the last decade is equivalent to the total number of GPs across England, Scotland and Wales.

Few regulators have been spared, with many so hollowed out by successive cuts that they are no longer fit for purpose. Food watchdogs find they are no longer able to check food products for rogue ingredients. Environmental regulators are struggling to carry out their duties to protect UK rivers, habitats and wildlife. Health and Safety bodies, three years on from the Grenfell Tower tragedy, continue to operate a hugely scaled-back programme of sporadic checks and inspections.

"The way forward, for the deregulators, is to reduce the resources of the regulators. Strangle and eviscerate - then regulations just rot on the statute books."

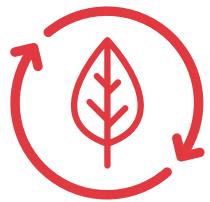
- Ex regulatory agency staffer

Individuals who have worked in these agencies tell us that key specialisms are being lost as staff are compelled to become generalists. Some staff have been redirected into work which is externally funded, to compensate for dwindling Grant-in-Aid funding. Others note that teams are stretched, and morale is low. These are not abstract or theoretical issues. They have real life consequences in terms of public health and safety.

The erosion of these public bodies hampers their ability to protect people and the environment, and undermines the efforts made by most businesses and individuals to act fairly and responsibly. This has led to a situation where the current Conservative government finds itself presiding over an enforcement gap which threatens to undermine the very rules which keep our society running properly.

The UK's enforcement gap jeopardises the huge steps forward the UK has made in public protection in recent years. Advances in workers' rights, in tackling food-related ill-health, in workplace health and safety, in environmental protection and product safety – these are all developments of which the UK and its citizens should feel proud. But if we fail to address our enforcement gap problem, and to invest properly in the public bodies on which we rely, there is a very real risk not just that we will stand still in terms of public protection – but that we will go backwards.

This report examines the losses in regulatory enforcement capacity across six areas: food, the environment, health and safety, consumer protection, employee rights and local spaces. We hope to demonstrate that the pendulum has swung too far, and to convey why strong, well-enforced rules will be key to building a more resilient Britain going forward. In the wake of the Covid-19 pandemic, the Government will need to make many bold financial decisions. Fixing the UK's enforcement gap must be one of them.



The Environment

There are a few different bodies whose job it is to protect the natural environment, wildlife and biodiversity in England, including the Environment Agency and Natural England, as well as Local Authorities. Natural Resources Wales and the Scottish Environment Protection Agency are the key bodies which enforce environmental regulation in Wales and Scotland.

Between them, these agencies oversee and enforce a wide range of environmental regulations, including those related to waste disposal, water resources, flooding, fisheries, navigation and conservation, nature and landscapes, forestry, and pollution control.

The new Office for Environmental Protection will monitor and scrutinise the UK Government's progress towards its environmental legislation and targets, and

will investigate potential failures of public bodies to comply with environmental law.

Environmental regulators use a number of different enforcement methods. These include carrying out inspections and sampling to ensure businesses are complying with the law; issuing cautions, warning letters and notices to address non-compliance; and instigating criminal proceedings if necessary.

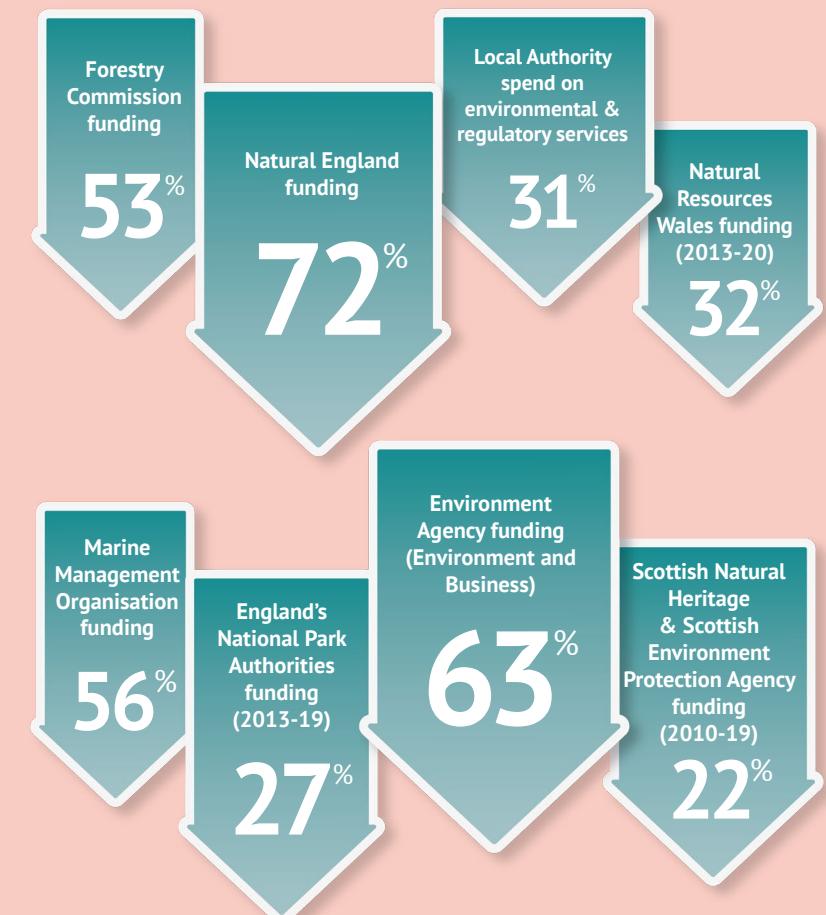
Over the last decade, the loss of capacity across environmental regulators has been significant. Budget cuts and falling staff numbers have been accompanied by long-term declines in enforcement activity. In the light of this, concerns remain about whether the new Office for Environmental Protection will be given sufficient funding, independence and powers to carry out its duties.



Money, % falls, 2009-19 (2019 prices)

“As the cuts happened, we kept thinking: how on earth are we supposed to do our job? Lots of people left. If you cut bodies like the Environment Agency down to the bone, how are we going to realise our environmental ambitions?”

- Ex regulatory agency staffer



Manpower, % falls, 2009-19



“We used to go out on the ground for field investigation. Frontline staff would collect water samples, measuring water quality and doing sampling. Then the monitoring network was cut, so we'd look in fewer and fewer places.”

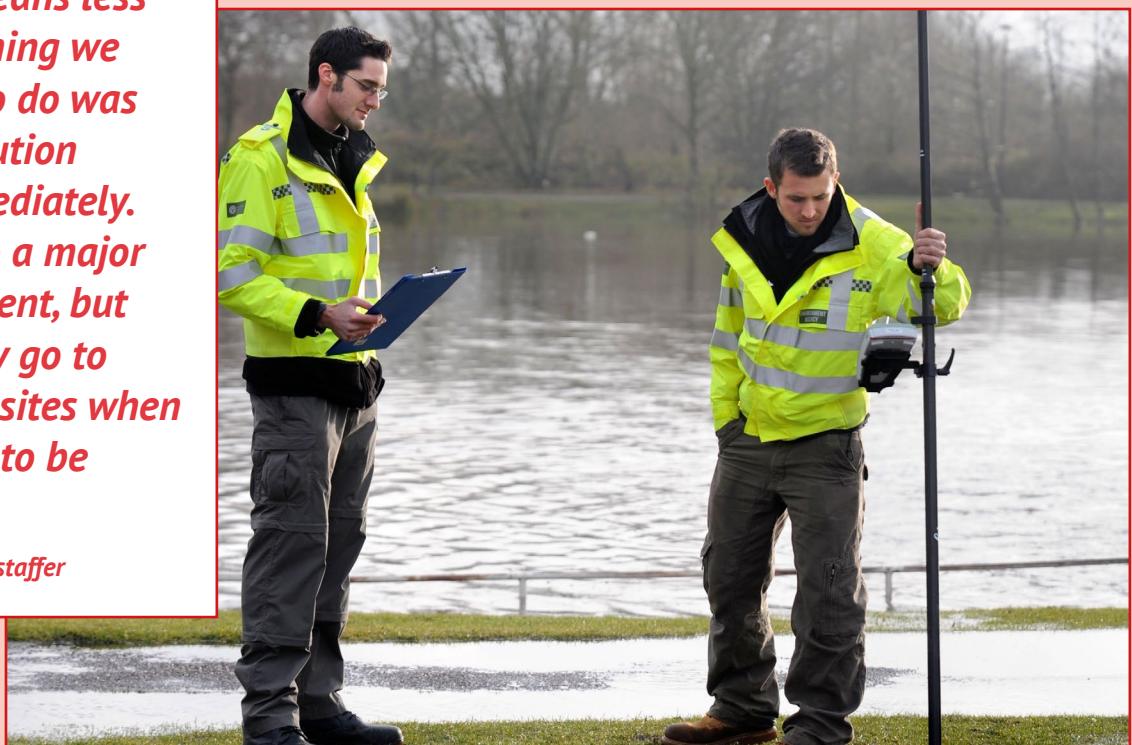
- Ex regulatory agency staffer

Enforcement activity, % falls, 2009-19



“Less money means less activity. One thing we weren’t able to do was to look at pollution incidents immediately. We’d still go to a major pollution incident, but you would only go to other incident sites when you happened to be passing.”

- Ex regulatory agency staffer



What does this mean for environmental protection?

The current Government has set out strong ambitions with respect to the environment, with a net zero emissions target for 2050 and the flagship Environment Bill. This contains a framework requiring the Government to set long-term legal targets, to be underpinned by the Office for Environmental Protection.

In many areas, however, progress has been hampered by the erosion of enforcement capacity. UK surface waters are in a poor state, with 90% of wetland habitats lost over the last 100 years. Just 14% of rivers and 16% of lakes have achieved Good Status under the Water Framework Directive,¹ and not one river or lake in England met legal standards for chemical and ecological health last year. And yet, rather than directing more resources into reversing the sad state of our water bodies, the Environment Agency has scaled back on activity – cutting water quality sampling by a third and monitoring fewer and fewer sites.

Indeed, Environment Agency enforcement activity of all sorts peaked in 2014, falling sharply every year up to 2018 at least. In some cases this decline has been partially offset, but overall the picture is one of falling enforcement. As well as declines in water quality sampling and frequency, the agency has overseen a

significant reduction in the number of water bodies being monitored for 'priority' chemicals, substances which pose the greatest risk to people and the aquatic environment.²

Poor regulatory oversight and insufficient monitoring is undermining implementation of the Nitrates Directive, which is designed to protect aquifers and rivers from infiltration or excess runoff of nitrate fertiliser from surrounding fields.³ Concerns have been raised about the further weakening of enforcement during Covid-19.⁴

Habitats and wildlife are also under threat, as a cash-strapped Natural England struggles to carry out its enforcement duties. The Government's Biodiversity 2020 strategy calls for at least half of SSSIs to be in favourable condition, but only 39% are currently classed as such. Just 32% of nature reserves in National Parks are in good condition, and many iconic bird species have disappeared.⁵ According to the RSPB, the UK is failing on 17 out of 20 UN biodiversity targets, resulting in a "lost decade for nature".⁶

Natural England is widely believed to be unable to meet its legal obligations due to funding cuts, and has been criticised for failing to protect nature conservation sites over the last decade.⁷ Since its creation in 2006, Natural England has only issued 14 prosecutions for damage to SSSIs.⁸ The agency itself has acknowledged the impact that years of contraction has had on its regulatory capacity, and recently referred to plans to become "conveners and enablers rather than enforcers".⁹

Case study

"I first became aware of raw sewage entering the River Wharfe at Ilkley because my friend, a fisherman, complained that instead of catching fish he was catching sanitary products, condoms and toilet paper. So I decided to investigate. What I found was shocking.

Sewage pumped out for a whole week with such force the plume reached right across to the opposite bank and flowed downstream as far as the eye could see, turning our beautiful river into an open sewer.

The river was so low the sewage was flooding across the now exposed pebble beach into the water where families were picnicking and playing all summer.

Since then we've found the permit for the pumping station upstream of Ilkley hasn't been reviewed since 1970. These outdated permits are a licence to pollute, endangering the health of future generations to come."

- Karen





The food we eat

Food safety policy responsibility in the UK is devolved, sitting with the Food Standards Agency, which has different policy responsibilities in England, Wales and Northern Ireland, and Food Standards Scotland. Enforcement of food law is shared between the Food Standards Agency, Food Standards Scotland and Local Authorities. Port Health Authorities carry out food inspections at UK borders.

Together, these bodies enforce food safety and standards regulations across more than 587,000 UK food businesses. They carry out food safety and hygiene controls, making sure food is safe by checking for microbiological, chemical or allergen contamination.

They also enforce food standards controls, checking food labelling, composition and nutritional quality.

In practice, most food law enforcement is carried out locally, by Environmental Health and Trading Standards Officers, who check food premises, and sample food to make sure it is safe to eat.

National regulators seen their funding fall over the last ten years. Budgets for local food law enforcement have been hit particularly hard. Local Authorities are spending less and less on food safety, with many struggling to meet their statutory objectives with regards to food safety law.



Money, % falls, 2009-19 (2019 prices)

“Across many Local Authorities, the last five years had just been cuts, cuts, cuts. Staffing levels have fallen hugely. The problem is the Environmental Health isn’t sexy – until it all goes wrong.”

- Former Port Health Officer



Manpower, % falls, 2009-19



“Some people talk about regulations as burdens, but consumers expect a level of protection, and legitimate businesses accept that consumers want this. I think most people would agree that you’ve got to have rules around which trading takes place.”

- Trading Standards Officer (food safety)

Enforcement activity, % falls, 2009-19



"You have to know what to look for, and that comes with knowledge, experience and training. And you can't get that without budget. We didn't have a budget for training for years – and there's no question things slipped through the net."

- Former Port Health Officer



What does this mean for food safety and standards?

If we look back over 30 to 40 years there have been some encouraging improvements in food safety and standards in the UK. The majority of UK food businesses are now compliant with hygiene requirements, with 70.1% of businesses achieving a 'very good' compliance rating against a target of 70% last year.¹⁰ Levels of major food-borne illnesses have been broadly stable since 2013.

The UK's enforcement gap now threatens to undermine this progress. Over three people die each week in the UK from food related illness, and there are still around 2.4 million cases of food poisoning in the UK every year, creating a societal burden of around £9 billion from lost earnings, disturbance costs to business and medical expenses.¹¹

Allergic reactions to food (due to undeclared allergenic ingredients) are a growing problem, with NHS statistics showing that hospital admissions in England for anaphylactic shock caused by adverse food reactions rose by 70% between 2008/09 and 2017/18.¹² This has been accompanied by a steep decline in food allergen sampling. Unchecked UK analysis shows that the number of food samples tested for allergens fell by

over a quarter from 2016-18, with 20 Local Authorities taking no samples at all, while nearly one in five food samples tested contained potentially dangerous hidden allergens.¹³

Meanwhile a number of high-profile food scandals in recent years, including the serious hygiene and safety breaches at the country's largest supplier of supermarket chicken, 2Sisters Food Group, has led to an erosion of public trust. In November 2019, 45% of consumers in England surveyed by the Food Standards Agency reported that the safety of food served by UK restaurants and takeaways was a concern to them.¹⁴ These concerns are not unfounded, with food fraud continuing to cost the UK food and drink industry up to £12 billion a year.¹⁵

Years of cuts to food safety budgets, particularly at local level, have raised concerns about the resilience of the UK's food safety system. In June 2019, the National Audit Office reported that some Local Authorities are failing to meet their legal responsibilities to ensure food businesses comply with the law, stating: "the regulatory system is showing signs of strain with less control staff in local authorities and delays in the checks they carry out on food businesses."¹⁶

Many are concerned that Brexit may exacerbate these problems, increasing the UK's vulnerability to food fraud and stretching the UK's already strained food testing capacity to the limit.

Case study

"After our 15-year old daughter Natasha died after having a severe allergic reaction to a pre-packed sandwich - which contained hidden sesame seeds baked into the dough of the baguette - we campaigned successfully to bring about change.

Natasha's Law requires food retailers in England to include full allergens and ingredients labelling on pre-packed foods for sale, such as sandwiches, salads and cakes. The law was introduced in September last year and retailers have until October 2021 to implement the new rules. Currently, food prepared on the premises in which it is sold is not required to display allergen information on the label.

The new law brings 'greater transparency about what people are buying and eating' and sets new standards at a time when food allergies are rising at epidemic levels."

- Tanya





Our safety and health

The task of ensuring that businesses and other establishments in Great Britain are meeting the law on health and safety is shared between the Health and Safety Executive and Local Authorities. In Northern Ireland, workplace health and safety is regulated by the Health and Safety Executive Northern Ireland.

The Health and Safety Executive is the main enforcing authority in many workplaces, including factories, chemical plants, mines and quarries, construction sites and farms. Local Authorities also keep tabs on harmful air pollution, carrying out checks on polluting businesses. Fire and rescue authorities visit premises to check that fire safety rules are being complied with.

National and local health and fire safety teams carry out a mix of enforcement activities, including proactive and reactive inspections, the provision of formal notices, and prosecutions.

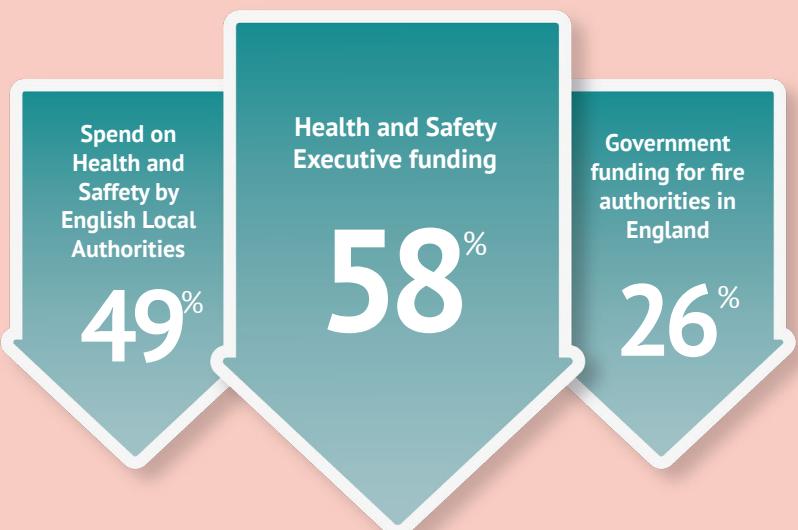
The downward trends in health and safety law enforcement are striking. The average business can expect to be visited by local health and safety inspectors just once every 20 years. In 2017, the Health and Safety Executive inspected just 8% of the total number of premises they inspected in 1985.



"The cuts have created a 'numbers game' – quantity not quality. Decisions by national bodies haven't helped - the deregulation of health and safety has eroded the understanding at local level about why it is important."

- Local Authority Public Protection Manager

Money, % falls, 2009-19 (2019 prices)



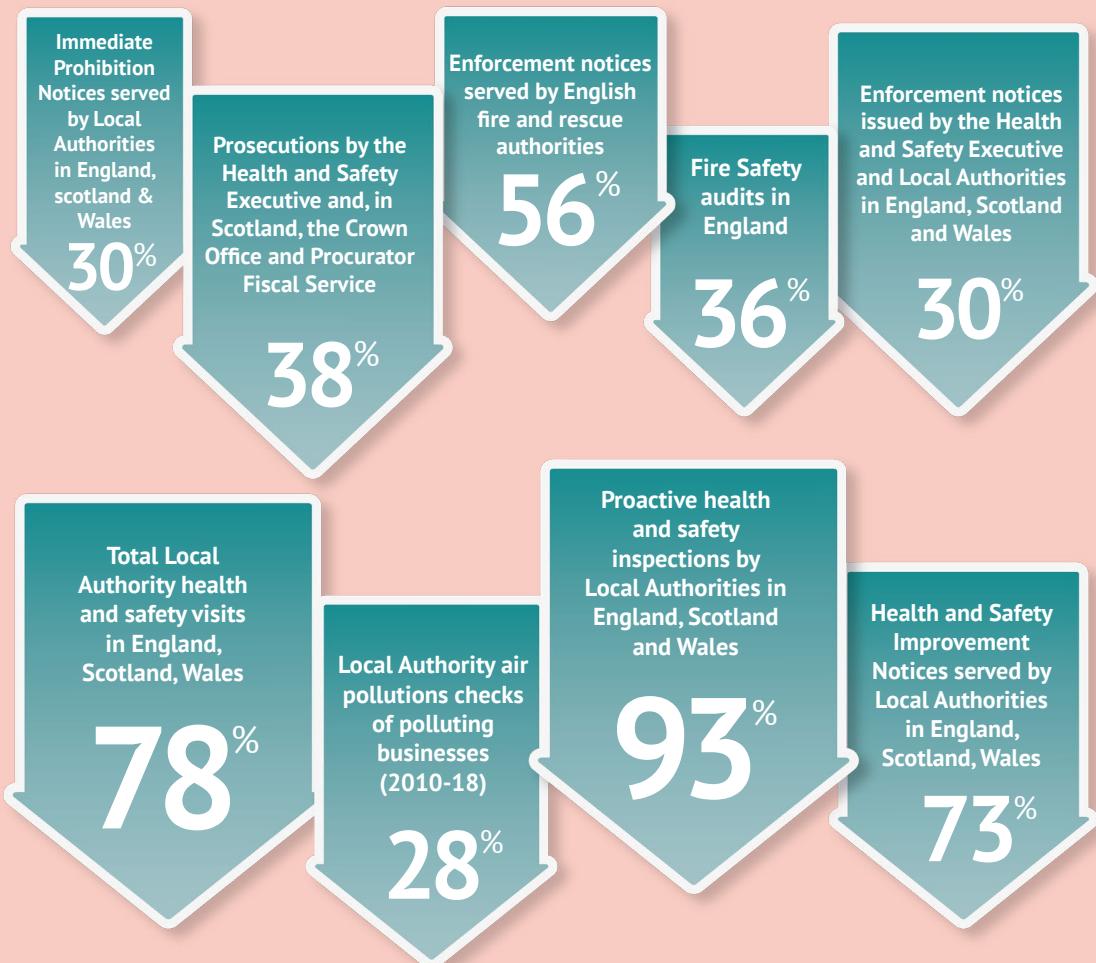
Manpower, % falls, 2009-19



"The problem is that our work is difficult to measure. A colleague said to me once that we're the lifeboats on the ship: we're absolutely essential but no one really notices the lifeboats until the ship goes down."

- Local Authority Public Protection Manager

Enforcement activity, % falls, 2009-19



“Enforcement officers have become ‘Business Support Officers’. Officers at the coal face will attest that today business has the upper hand. Where there is any doubt about a decision, officers are just as likely to back off as they are to stick to their guns.”

- Former fire brigade safety inspector



What does this mean for health and safety?

The UK has been a world leader in health and safety and injury prevention policy, with low levels of workplace fatalities compared with a number of European countries.

However, we are at risk of losing our leading role. Over half a million employees suffered non-fatal workplace injuries last year in England, Wales and Scotland (more than 11,000 every week), while 111 people died at work and a further +12,000 died from work-related conditions such as mesothelioma linked to asbestos exposure. Around 1.4 million working people suffer from a work-related illness. In total, work-related injury and ill-health cost Great Britain around £15 billion last year – a figure which hasn't changed much since 2010.¹⁷

The Covid-19 pandemic has brought health and safety firmly into the spotlight, focusing public and political attention on how the UK enforces health and safety law. After years of funding cuts to both the Health and Safety Executive and Local Authorities, many fear that these bodies are unable to cope with the additional requirements brought about by the crisis.

Most Local Authorities are already unable to carry out proactive inspections, and the Health and Safety Executive has failed to meet targets for completing fatal investigations within 12 months for five consecutive years.¹⁸

The additional £14 million of funding for the Health and Safety Executive for the pandemic does not begin to cover the funding losses sustained since 2010, and experts say the agency has been unable to cope with the huge surge in Covid-19-related demands (4,500 coronavirus-related workplace concerns were raised with the regulator from March-May 2020).¹⁹

Despite improvements in recent years, the UK clearly has more to do on fire safety. Ongoing cuts to fire and rescue services have resulted in a huge decline in fire prevention work.²⁰ The Grenfell Tower tragedy brought home the scale of the building safety crisis, highlighting a litany of regulatory and enforcement failures. The consequences of years of cuts to council budgets was highlighted by Grenfell surveyor John Hoban's evidence to the ongoing public inquiry. He testified that his department was swamped after years of cuts, leaving him to handle 130 projects simultaneously.²¹

Case study

"The spending cuts of 50% and reduction in inspector numbers were bad enough. Frequent attacks on the 'health and safety monster' which had to be 'finished off for good' marked a new low.

Difficult and stressful decisions had to be made not to investigate serious accidents. Inspectors were inevitably required to focus on intense investigations, especially into fatalities. Proactive inspections, to try to ensure that employers did enough to prevent serious accidents, took a hit. Stress levels rocketed as morale dipped, exacerbated by year-on-year pay cuts.

The Covid-19 crisis shows why proactive inspections and legal enforcement are essential, just ask the Leicester garment workers (merely one industry previously exempted from proactive HSE inspection).

HSE has become so desperate to overcome years of cuts and deregulation that they invited retired inspectors, like myself, to come back on short term contracts as Covid-19 inspectors. No chance!"

- Simon



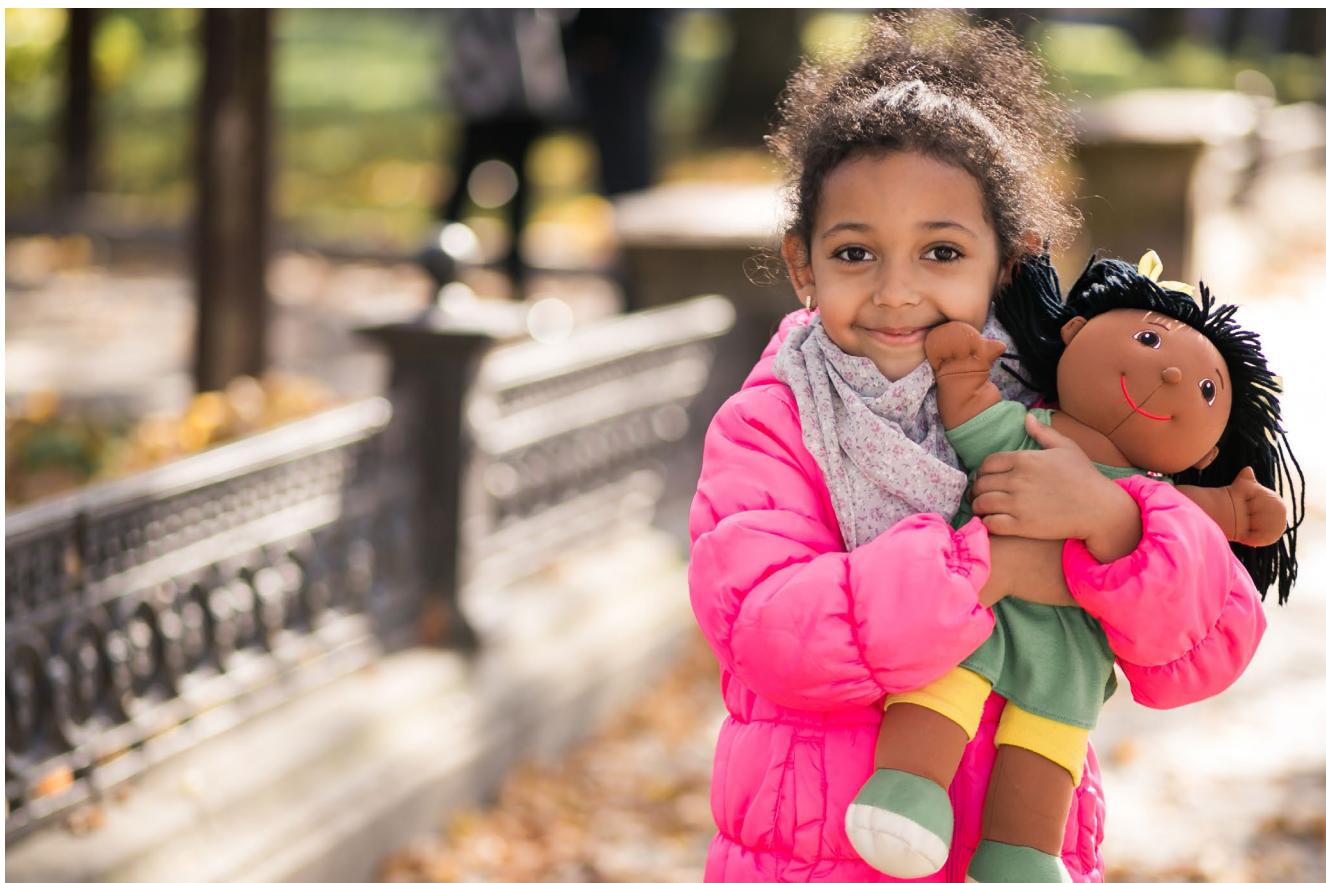
What we buy

There are a number of regulatory bodies which protect UK consumers by sampling or intercepting products, catching rogue traders, and cracking down on bribery, corruption, fraud and scams, roles which have become increasingly important in the context of Covid-19.

Local Trading Standards teams, the Office for Product Safety and Standards, and the Serious Fraud Office all contribute to protecting the safety and integrity of what we buy. The Competition and Markets Authority protects consumers from anti-competitive practices and unfair trading. Citizens Advice provides people with advice on money, legal or consumer problems. The Crown Prosecution Service prosecutes people for different types of crime, including fraud and economic crime.

Once again, local enforcement teams have been hit particularly hard by funding cuts, with some services down to just one qualified officer. According to the Chartered Trading Standards Institute, the average council spend per head for trading standards services in 2018-19 was just £1.83, less than the cost of a cup of coffee.²²

This has had a material impact on enforcement activity, leading to concerns that risky goods or fraudulent activity could be passing under the radar. Unchecked UK research finds, for example, that over the last three years nearly half of councils did not carry out any product sampling for hazardous chemicals.²³



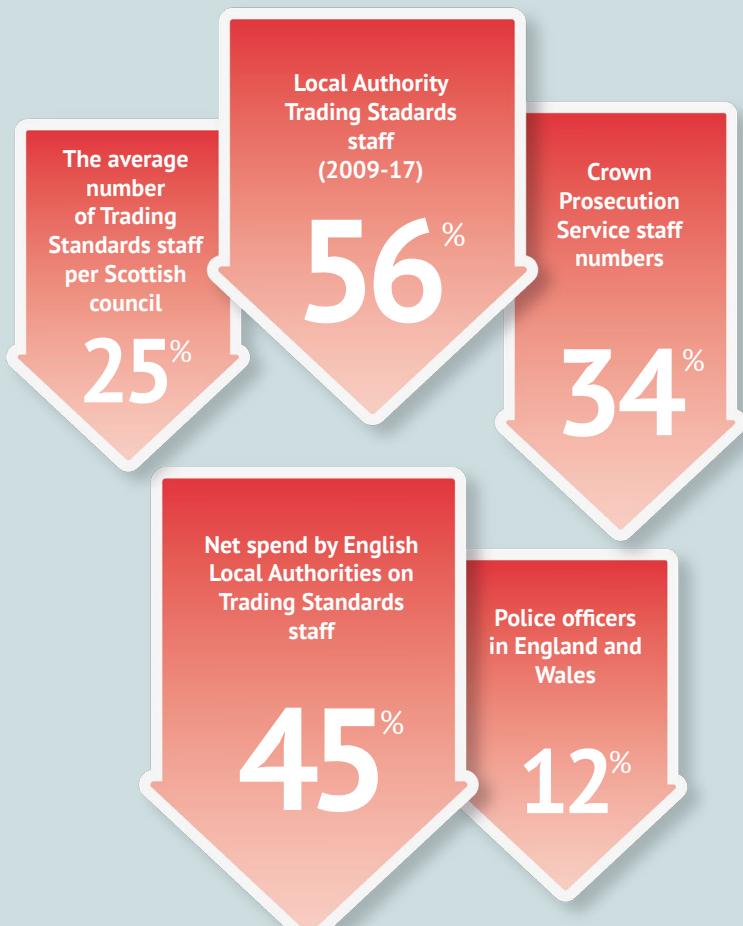
Money, % falls, 2009-19 (2019 prices)

“Surely it’s a no-brainer to put resources into the preventative work of Trading Standards, to help take the burden off the health system, for example? I think that most people would agree that avoiding another Grenfell or major food crisis is a top priority.”

- Trading Standards Officer



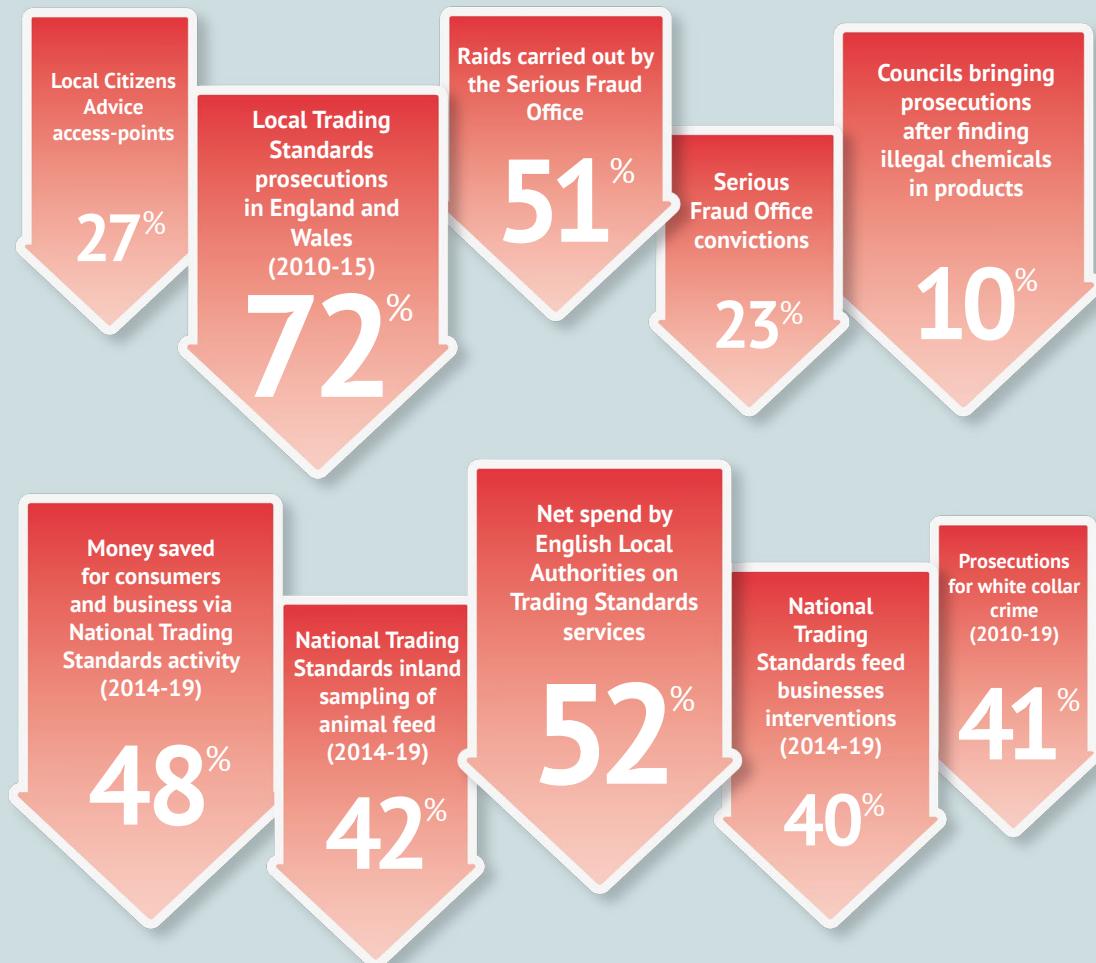
Manpower, % falls, 2009-19



“Obviously we’re not doing it for the recognition, but you do sometimes think that people have no clue what we do at the best of times. If people knew what we are stepping in and doing now - in the time of Covid - it would blow their minds.”

- Trading Standards Officer

Enforcement activity, % falls, 2009-19



“People don’t realise that when you go and buy things, or fill your car up with petrol, or go to the pub for a drink, it’s our work that allows you to do that - we’ve done all the checks which allow businesses to sell products safely and legally.”

- Trading Standards Officer



What does this mean for consumer protection?

Scams and fraud are, unfortunately, an increasing part of everyday life in the UK, and they are becoming increasingly sophisticated. A recent Citizens Advice report found that almost three quarters of people surveyed had been targeted by a scam in the previous two years.²⁴ The Crime Survey for England and Wales estimates that on average more than 10,500 adults in England and Wales were affected by fraud every day in 2019.²⁵ Fraud is costing businesses and individuals in the UK £130 billion each year.²⁶

Product safety enforcement is also of real concern, as cash-strapped Local Authorities struggle to carry out the required safety checks. Unchecked UK research has found that just half of Local Authorities in England, Wales and Scotland are testing everyday consumer goods, such as clothes, cosmetics, children's toys and household products, for the presence of chemicals above legal limits, with 87 councils taking no samples at all over the last three years.²⁷

Covid-19 has triggered a upswing in scams in the UK, including doorstep crime, financial fraud, phone, email and mail scams. The Chartered Trading Standards Institute reports increased cases of criminals selling fake coronavirus testing kits, scams offering a tax rebate as part of the pandemic support scheme, and phoney fines sent by text in response to purported breaking of lockdown rules.²⁸ Barclays Bank data showed that scams rose 66% from January to July 2020, as fraudsters exploited public concern over the pandemic.²⁹ In the UK, officials recently seized fake medicines worth £2.6 million.³⁰

Scams disproportionately affect the elderly. The average age of scam victims of mass marketing postal fraud is around 75, for example.³¹ Scam victims are often targeted specifically and repeatedly due to their vulnerability; they may be living alone, recently bereaved, or living with dementia. The financial, emotional and health impacts of scams can be devastating, and, for older victims, means that they are 2.4 times more likely to die or go into a care home than those who are not scammed.³²

Case study

"My mother had always been independent. Things changed when she got the first scam letter. It was as if she had been brainwashed. There was never any 'if' about her winnings arriving. She even bought a dress to wear for a 'winner's party' that the scammers had told her was being held in Australia.

I found drafts of some of the letters mother had written to her 'friends'. They are heart-breaking. She confided to them about everything.

In July 2007 she was taken into hospital. It was then that I removed around 30,000 scam mail letters from her home.

She could have parted with anything up to £50,000, but the truth is I don't really know. It would be more accurate to say she gave them everything, including her mental and physical health and the last five years of her life."

- Marilyn



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Where we work

Responsibility for protecting workers and stopping illegal activity such as forced labour, discrimination at work, trafficking or breaches of the National Minimum Wage falls to a few agencies. These include the Gangmasters and Labour Abuse Authority, the Employment Agency Standards Inspectorate, and HM Revenue & Customs (HMRC Minimum Wage). The Equality and Human Rights Commission regulates and enforces equality and non-discrimination laws in England, Scotland and Wales.

Local Authorities and the Health and Safety Executive share responsibility for keeping people safe at work in Great Britain, including checking that businesses are complying with social distancing rules. In Northern Ireland, the national health and safety body is the Health and Safety Executive Northern Ireland. Police

forces also contribute to maintaining standards in the workplace.

In a move which has been broadly welcomed, the Government has committed to the creation of a single enforcement body for labour market enforcement; merging the main agencies and consolidating enforcement capacity.³³

This comes on the back of long-standing concerns over the lax enforcement of employment protection laws, with many pointing to the poor coordination between labour market enforcement agencies, as well as years of insufficient resourcing. The UK's ratio of inspectors to workers is approximately 0.4 inspectors per 10,000 workers, far lower than the International Labour Organisation's recommended ratio of one to 10,000.³⁴



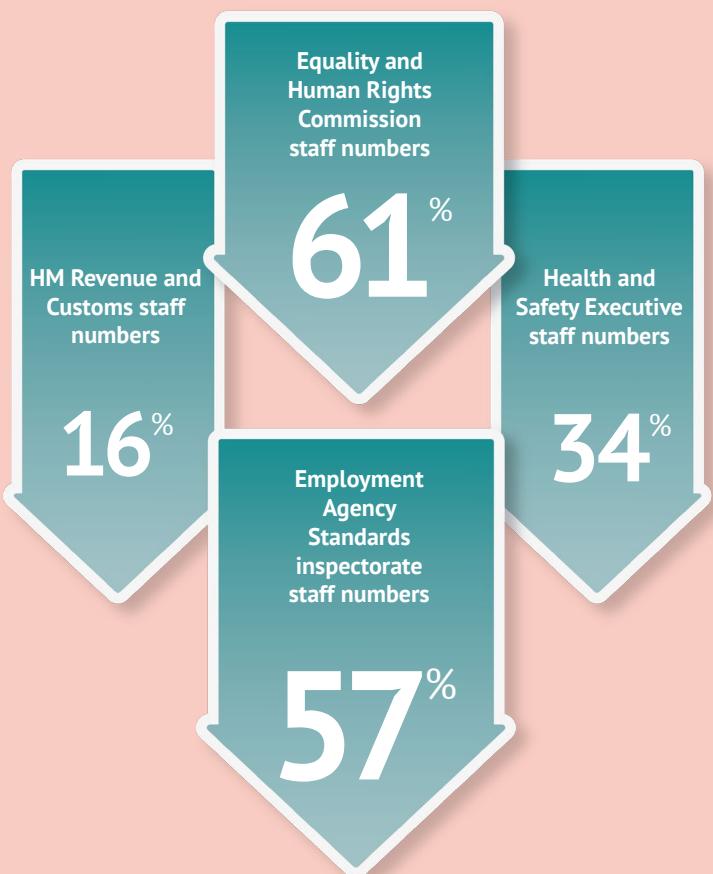
Money, % falls, 2009-19 (2019 prices)

"We now enforce the Covid-19 Regulations locally. We observe businesses, give advice and take enforcement action. We are getting high numbers of calls from concerned workers, but we need more funding to effectively do this work alongside everything else."

- Environmental Health Officer



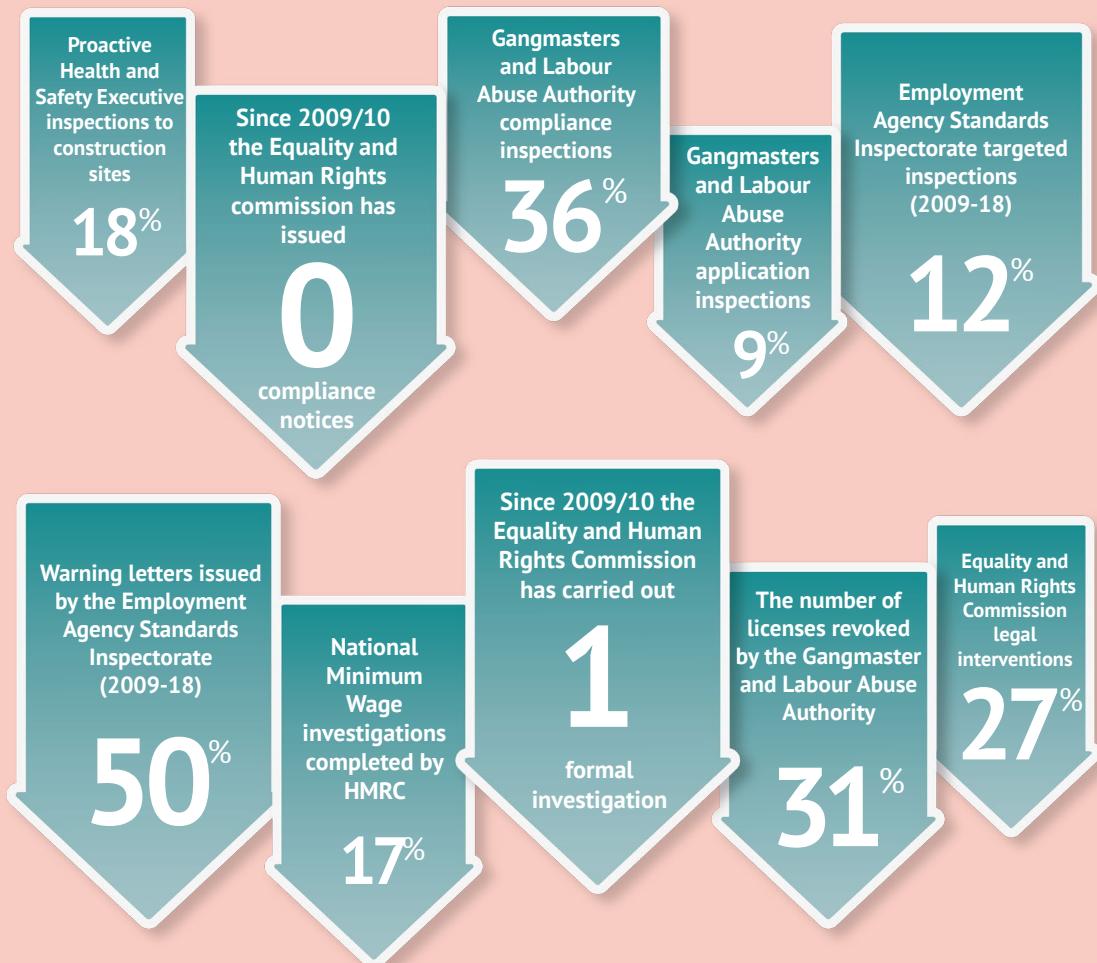
Manpower, % falls, 2009-19



"The Health and Safety Executive has faced huge cuts over the last decade. This has impacted both enforcement and effectiveness. We were told to cut proactive inspections – which we did – and this obviously makes it harder to catch workplace abuses, such as the Leicester factory scandal."

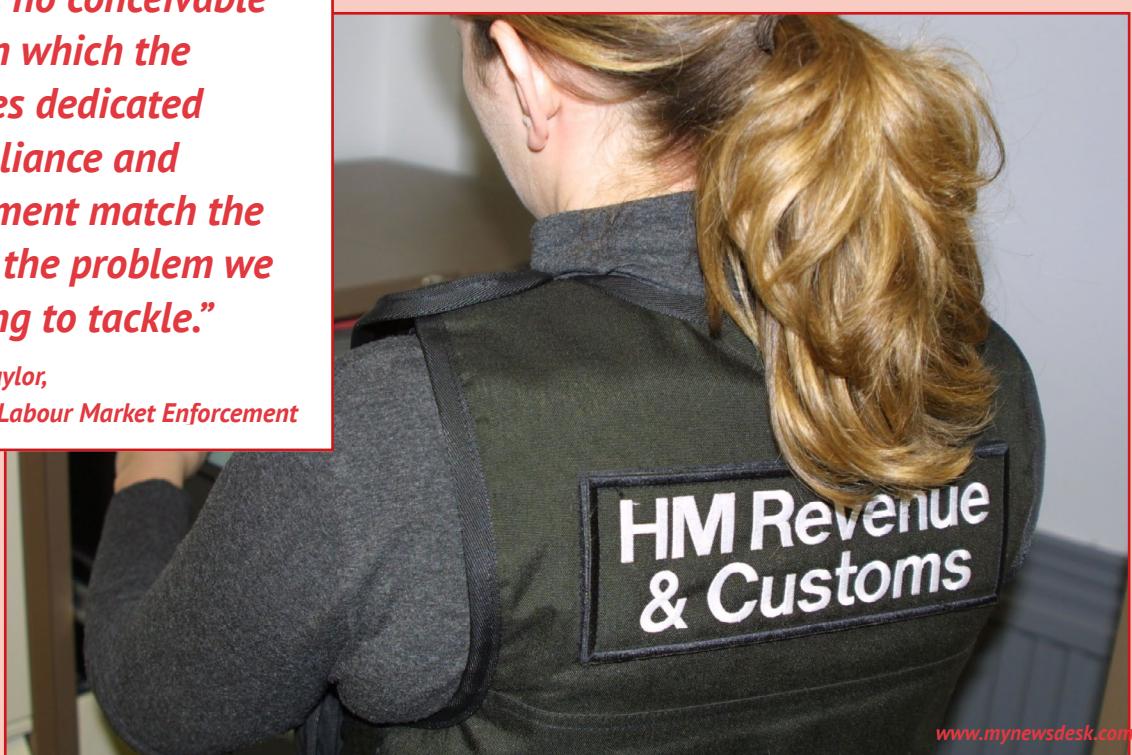
- Ex Health and Safety Executive staffer

Enforcement activity, % falls, 2009-19



"There is no conceivable future in which the resources dedicated to compliance and enforcement match the scale of the problem we are trying to tackle."

*- Matthew Taylor,
Director of Labour Market Enforcement*



What does this mean for workplace protection?

The last few decades have seen many steps forward for employee protections. Many of these have been derived from EU laws, such as paid annual leave, workplace equality, part-time work, maternity and parental leave. The UK National Minimum Wage/National Living Wage has improved the living standards of millions since its introduction in 1999, and political ambition and support for the policy continues to grow.³⁵

However, many experts believe that the UK's modern slavery legislation does not go far enough, with years of poor enforcement undermining the standards which are in force.³⁶ The increase in the numbers of self-employed workers, who now make up 15% of the workforce, has exacerbated some of these issues.

Almost half of self-employed adults aged over 25 are earning less than the minimum wage of £8.21 an hour.³⁷ The number of National Minimum Wage-related Employment Tribunal claims pales in comparison to levels of underpayment.³⁸ Despite evidence that some UK employers are continuing to ignore minimum wage rules, the average employer can expect an inspection just once every 500 years.³⁹

Case study

"You heard of people being off sick for few weeks, with proper sick notes from the doctor, getting sacked for no reason which they were ill, just paid off and laid off.

I was a picker, taking items from the shelves in the warehouse. Our speed was timed, and if you were slow you got a strike, and your name was called out over the Tannoy for everyone to hear. But the targets were impossible to meet.

Staff were made to clock themselves out to keep the wage costs down, but had to keep working. So people weren't being paid for all their hours. Staff on zero-hour contracts were made to work extra hours without pay, with the threat of no work the next day if they refused.

110 ambulances were sent to the warehouse between 1 January 2013 and 19 April 2016. Incidents included an amputation of a finger, a fractured neck, a crushed hand and head injuries, and one woman who gave birth in the warehouse toilet."

- Sports Direct workers' stories

Across our country, thousands of men, women and children are still forced into slavery, with recent research suggesting that the UK's modern slavery problem is far worse than first feared.⁴⁰ There has been a huge rise in the number of potential modern slavery victims being referred to the National Referral Mechanism, the official system of identification and support.⁴¹

The 2016 revelations of the appalling working practices at Sports Direct, and the more recent findings of workplace exploitation in factories and workshops in Leicester (where social distancing measures were found to be absent and workers in a factory supplying clothing brand Boohoo were paid as little as £3.50 per hour) have fuelled a renewed focus on labour market exploitation and modern slavery.^{42, 43, 44}

This led Matthew Taylor, director of labour market enforcement, to call on the Government to use the upcoming merger of the three enforcement bodies to focus on "capacity building and quality".⁴⁵

Covid-19 risks increasing the risk of exploitation of vulnerable or insecure workers, with people potentially accepting sub-standard working conditions in their desperation to get a job, and with chronically underfunded enforcement agencies unable to deal with the increase in inquiries from concerned workers, and operating on reduced inspection regimes.





Where we live

Local Authority Environmental Health Officers work in Local Authorities, providing a wide range of regulatory services. Environmental Health teams carry out statutory duties on behalf of local government, and have the powers to issue enforcement notices and to bring prosecutions.

Local nuisances like pests and noise, and more serious offences like pollution, contaminated land and fly tipping are all dealt with by Environmental Health Officers (responsibility for major waste offences sits with the Environment Agency). Local Authority housing enforcement officers make sure rented properties are safe and decent, and help to tackle rogue landlords.

During the Covid-19 pandemic, Environmental Health Officers have assisted with contact tracing, issued advice to businesses, and monitored compliance with Covid-19 restrictions - with powers to enforce these rules.

In England and Wales, Highways Authorities are upper tier Local Authorities which have legal responsibilities for roads in their area (lower tier Authorities also help to deliver road safety services). In Scotland, Local Authorities are designated as the roads authority for their area.

Cuts to Environmental Health have been deep and systemic. Research by Unison has found that Environmental Health budgets per head of population have more than halved between 2009 and 2018, causing a shift towards reactive enforcement in the place of preventative work. [46](#)

A Unison Scotland survey found that a fifth of Scottish Local Authorities believe that they don't have the resources to deliver an adequate service. [47](#)



“Our role is to encourage, cajole and enforce compliance with the law for the benefit of the community. Asking residents to turn down their music, clear rubbish from their garden, redirect their security lights – this is the stuff that can make life bearable or intolerable.”

- Environmental Health Officer

Money, % falls, 2009-19 (2019 prices)

Total highway maintenance budget in England and Wales (2009-20)
13%

The annual budget shortfall for road maintenance in London
106%

Spend on waste collection by English Local Authorities

35%

Spend on housing standards by English Local Authorities
45%

Spend on pest control by English Local Authorities
60%

Spend on environmental protection and regulatory services by English Local Authorities
31%

Money, % falls, 2009-19 (2019 prices)

The number of traffic police in the UK (2009-17)
30%

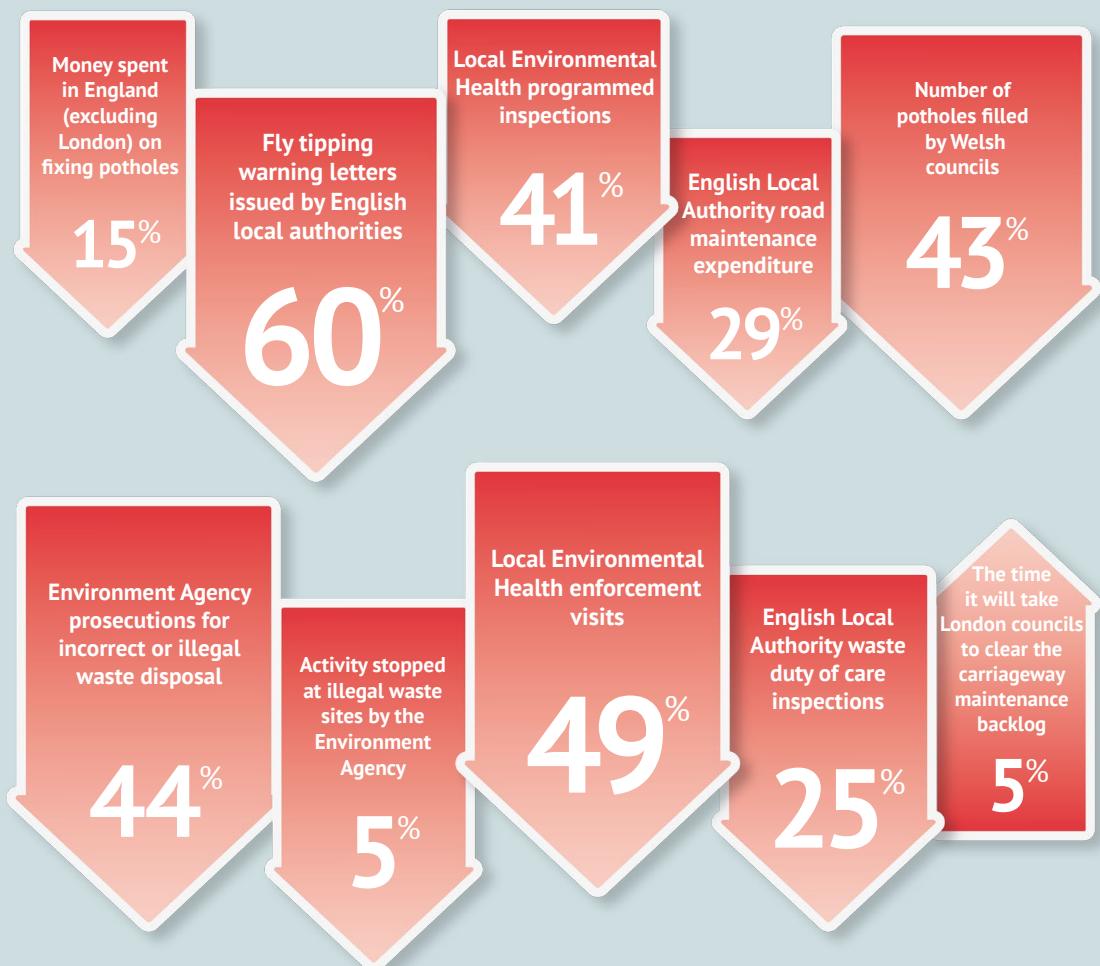
Local Authority Environmental Health Officers in England and Wales
32%

Local Authority planning staff (2009-16)
10%

“All the old, traditional public health problems that date right back to the birth of local government are still there, but now there are new challenges. Technology can help, but it's not the same as 'boots on the ground', nor does it have the human touch people want - to advise, to reassure.”

- Environmental Health Officer

Enforcement activity, % falls, 2009-19



"The public know what they want: safe food, clean air, good safe homes to live in, a clean environment with clean air and safe water. Environmental Health Officers ensure that all of these things happen."

- Environmental Health Officer



What does this mean for local spaces?

Local councils do vital work to keep local spaces clean and make them enjoyable places to live. But many are struggling to keep up with the blight of fly tipping and waste crime, to manage the growing problem of potholes and poor quality roads, and to enforce breaches of the law. With people spending more time than ever in their local communities due to the Covid-19 pandemic, pressures on councils are likely to increase, as residents become increasingly aware of the state of their local area.

Fly tipping has become an endemic problem in the UK. Official data shows that fly tipping is on the rise, with nearly 3,000 recorded incidents every day in 2018-19, the highest for a decade, costing taxpayers £57 million.⁴⁸

Meanwhile, Local Authority sanctions of fly tippers do not appear to be anywhere near sufficient. Only two fly tippers have been given the maximum fine (£50,000) since the guidelines were introduced, and over three quarters of fines levied in the last six years were under £500.⁴⁹

Case study

"Fly-tipping is endemic here. As a resident of 30 years, I've watched the problem worsen year on year.

Over the last few years the problem has escalated to the point of a major health hazard. The arrival of an industrial fridge, which rapidly filled with sacks of rotting food, and the abandoned belongings from a flat clearance, seemed to break the local will to deal with the problem, and the waste stacked up. Rats started to become a constant, visible presence.

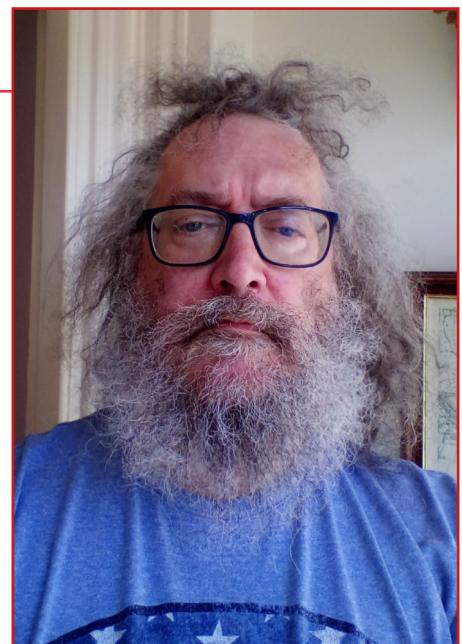
We kept flagging it to the local council, but, with the best will in the world, they just can't keep up with the problem."

- Huw

The Environment Agency appears to be taking a similarly light-touch approach to enforcing environmental crimes. A recent freedom of information request revealed that just 3.6% of complaints to the agency about fly-tipping, pollution, oil spills and other environmental damage last year resulted in penalties for those responsible.⁵⁰

Local roads continue to be in a poor state. The annual Local Authority Road Maintenance 2020 survey found that the maintenance backlog for local roads in England and Wales has increased by 14% since last year, now standing at £11.1bn.⁵¹ Breakdowns caused by potholes rose by 20% in the last three months of 2019, compared to the same period in 2018.⁵²

Potholes and poor road conditions are costing the taxpayer a considerable sum, with councils now spending £22.8 million on compensation claims.⁵³ Recent research from the economic consultancy Zurich UK and Cebr suggests that the number of potholes in the UK will rise by nearly a fifth over the next decade without more government investment.⁵⁴



Conclusion

The UK has made welcome progress in protecting its citizens over the last few decades, with significant improvements in areas including health and safety, employee protections, public health and food safety. Successive governments have extended and strengthened the rules designed to protect people and our natural environment, and established around 90 regulatory bodies to defend them.

But the failure to properly resource these crucial agencies risks undermining this progress. After years of steep budget cuts and declining staff numbers, many of the UK's regulatory bodies are no longer fit for purpose and find themselves unable to enforce the rules.

As a result, businesses are going unchecked, important rules are going unheeded, harms are going unseen, and breaches of the law are going unpunished. Essential protections are falling by the wayside, leaving UK citizens exposed and vulnerable. And the Covid-19 crisis has exposed just how threadbare many of our public protection bodies have become, at a time when we've needed them most.

This is not a partisan issue. British citizens across the political spectrum share a belief in the importance of strong, common sense protections that help keep them and their families safe. This belief has been reinforced by the Covid-19 pandemic, which has underlined the important role of the public protectors who work to look after us all.

It is time to close the UK's enforcement gap, and to return to an approach to policymaking focused on prevention rather than cure.

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