

CONSUMER SCOTLAND BOARD MEETING

Tuesday 14 February 2023

10:00 to 12:30

Meadowbank House, Edinburgh

Minutes

Board Members Present:

David Wilson, Chair

Angela Morgan, Member (AM)

James Walker, Member (JW)

Nick Martin, Member (NM)

Also In Attendance

Consumer Scotland:

Sue Bomphray, Director of Operations (SB)

Douglas White, Director of Policy and Advocacy (DW)

David Eiser, Director of Research and Analysis (DE)

Laura Smart, Investigations Scoping Lead (LS)

Andy Denholm, Head of Communications (AD)

Polly Mazurkiewicz (secretariat)

Apologies:

Sam Ghibaldan, Chief Executive (SG)

Welcome and Declaration of Interest

1. Following a short private session, the Chair welcomed everyone to the meeting. No declarations of Interest were noted. The Chair passed on the apologies of the Chief Executive, who had been taken ill at short notice.

Minutes from the Previous Meeting and Action Tracker

2. Subject to comments received by NM via email, the Board agreed the minutes of the previous meeting held on 13 December 2022.
3. The Action Tracker was presented and updates provided:
 - a. Regarding action point 127, the Chair updated members that NM had been nominated to take forward Board chairing duties, in instances of the Chair's temporary absence.
 - b. It was agreed that AM's suggestion of producing a glossary document for Board Members would be taken forward as an **action**.

Matters arising

4. In the absence of the Chief Executive, SB updated the board on governance matters.
 - a. A professional accountant has joined CS on a temporary basis to assist with annual accounts.
 - b. The process is underway to appoint an advisor to do 10-15 days work to review and offer improvements on governance. It was noted that the advisor would also assist the Board with a light-touch self-assessment exercise.
5. SB took an **action** to consider if the advisor could offer any training to members on any areas of improvement that may be identified.
6. SB took an **action** to share the recently completed ESS governance review report with the Board, subject to agreement with ESS.
7. In the context of the governance review, the chair noted a key point for public bodies is shared services, and the dependence on the Scottish Government in the setup process. Given the large number of new public bodies being setup there may be opportunity for CS to offer feedback and lessons learned to the Scottish Government.
8. Regarding point 11 in the minute, NM asked how CS is considering our involvement in stakeholder groups, such as SEIC. SB noted that discussions are ongoing with the Executive Team regarding the groups, how we should be involved, and what is feasible.
9. DW added that ongoing work is being considered in the advocacy space on how to best effect change in any given market. An **action** was taken to share outputs of this with the Board in due course.
10. The chair noted the importance of engaging with relevant industries and regulators, whilst being mindful of not compromising resources.

Strategic Plan

11. The chair introduced the latest draft of the Strategic Plan and sought approval from members.
12. It was noted that the process had started over a year ago, firstly with Interim Strategic Plan and then with evolving drafts of the Strategic Plan.
13. Board feedback to date had been taken on board, with one key suggestion, the logic model, not being included. Work on logic modelling and outcome mapping was being actively taken forward, with staff and Board Member involvement being considered, but not within the timeline for Strategic Plan publication.
14. Board members fed back that further consideration should be made to language used, including around small businesses, net zero, performance measures and the consumer welfare report.
15. The chair agreed to sign off final amendments ahead of the publication deadline, on behalf of the Board.

Investigations Scoping – Final Report

16. The Chair invited LS to present her final report on her scoping work into Consumer Scotland's investigative function.
17. The presentation covered considerations on strategy, relationships with parties, process, and communications, transparency and outputs.
18. It was noted that CS is not covered by the Regulatory Powers (Scotland) Act and that that legal advice would be recommended at the appropriate time.
19. Board members offered feedback. To summarise:
 - a. it was important to document why we choose a certain approach
 - b. there was a need to ensure risk was balanced with our position as a consumer advocacy body
 - c. the importance and success of an investigation will be as much in the preparation as the investigation itself
 - d. Further assurance would be needed on the legal definition of parties
 - e. Outstanding legal questions need to be thoroughly considered in next steps
 - f. Mechanisms to ensure the voices of consumers who would otherwise be disadvantaged or vulnerable were heard and acknowledged must be built into processes
 - g. Transparency should be considered when publishing the intent to investigate
 - h. The investigative function should not be shaped around existing resource, but around the ambition for a robust investigatory function.
20. The chair noted that the Board must now develop the scoping outputs into operational criteria on how to assess the premise of an investigation.
21. LS took an **action** to arrange a further session with the Board to cover the remainder of her scoping work, which would include resourcing and structure, ahead of her secondment coming to an end.
22. The Board requested to see text on what powers have been transferred from Citizens Advice Scotland to CS, and an **action** was taken to circulate this.
23. The Board thanked LS for her exceptional piece of work.

AOB

24. An **action** was taken by secretariat to identify a date for the October Board which would allow all members to attend.
25. The meeting closed.