

**Consumer Scotland Board Meeting
21 September 2021
Minute of Meeting**

Attendees: David Wilson (Chair)
Nick Martin
Angela Morgan
James Walker
Neil Ritchie (Scottish Government Implementation Team)
Jill Rosie (Scottish Government Implementation Team)
Wendy McCutcheon (Scottish Government Implementation Team)
Sue Bomphray (Scottish Government Implementation Team)

Agenda Item 1 – Welcome

1. The Chair welcomed everyone to the meeting.

Agenda Item 2 – Minutes of Last Meeting

2. The minutes of the meeting of 17 August 2021 were agreed and an update on the actions provided.
3. Nick raised three points. Firstly, around the protocol for sending Board papers in advance of meeting; scheduling of Board meetings for 2022; and highlighting the use of the chat function during a Teams meeting.

Action: Implementation Team to circulate Board papers for comments prior to the Board meeting where possible, and each paper should be “signed off” by the relevant Board Champion.

Action: Implementation Team to organise meetings for 2022.

Agenda Item 3 - Partnerships

4. The Chair provided the Board with an overview of his recent engagement with stakeholders. All stakeholders have shown support for Consumer Scotland and a willingness to work together.
5. Specifically, the Chair provided an overview of the meeting with the Chair of the Scottish Legal Complaints Commission, who is also the Chair of Environmental Standards Scotland. It had been agreed that there were valuable learning points from how ESS is being created, and that the legal service sector would be an important issue for Consumer Scotland. Nick advised that he would circulate a report published by the Scottish Legal Complaints Commission on vulnerable consumers.
6. The Chair reported on a very positive meeting with the Chief Executive and senior staff from the Competition and Market Authority. The Chair also advised the Board that he had invited the Chair of the Energy Consumers Commission to a future Board meeting (provisionally for the November meeting).

7. The Consumer Scotland Board away day was then discussed. It was agreed that there needs to be a clear direction of travel for Consumer Scotland and the work of the Board now that the Board has been established and work is progressing. James offered to draft this paper as he felt it had links into the strategy document he is working on.

Action: Implementation Team to invite ESS Chair to November or December Board meeting.

Action: Implementation Team to provide the Chair with membership and terms of reference for SEAB.

Action: James to produce Consumer Scotland position paper for discussion at away day.

Agenda Item 4 - People

Vulnerable Consumers

8. Angela presented her paper which had built on discussions from the previous Board meetings.
9. Angela and the Chair had discussed this paper earlier and had agreed that the work in this paper presented a clear opportunity to work, and develop relationships, with CAS as CAS has key strengths in leading on a variety of vulnerable consumer research.
10. David highlighted the definition of [vulnerability](#) as defined in the Consumer Scotland Act, and noted below, and also reiterated what the Consumer Scotland Act enabled the Board to do in reference to establishing committees.
 - *The term “vulnerable consumers” is defined to mean consumers who, by reason of their circumstances or characteristics may have significantly fewer or less favourable options as consumers than a typical consumer, or are otherwise at a significantly greater risk of harm to their interests as consumers, or to the harm that is caused being more substantial, than would be the case for a typical consumer. A person may be a vulnerable consumer when circumstances cause that person to have fewer options, or to be more at risk of harm, than a typical consumer – for example by virtue of age, mental or physical health, economic circumstances, geography, caring responsibilities, or because of a bereavement. The characteristics or circumstances which may result in a person being a vulnerable consumer may be short-term, long-term or permanent. The definition makes it clear that this is a matter which is likely to fluctuate and the question of whether someone is vulnerable will depend on the particular circumstances and context they find themselves in at a particular time.*
11. Following on from this in-depth discussion on Angela’s paper, it was agreed to seek to identify a candidate to become a co-Chair of a Vulnerable Consumers Committee, and that that person should attend the main Board meetings. In addition it was agreed to instigate a programme of research and policy analysis on the challenges facing vulnerable consumers. The next steps would be for the Chair,

Angela and Jill to meet to discuss, and action, the issues raised during this agenda item.

12. Neil advised the Board that within his wider team there is a social researcher who will be able to provide advice around procuring any specific research work.

Action: Implementation Team to set up meeting with Chair and Angela to finalise the proposals.

HR Update

13. Sue took the Board through the papers that had been provided in relation to the HR update.
14. It is anticipated that clearance for the recruitment of the CEO and Programme Director posts will be imminent.
15. There was a discussion around the job descriptions and Sue will update the adverts accordingly.
16. Regarding recruitment of all other posts, the Board would need to agree on the structure of Consumer Scotland before recruitment can begin. Sue agreed to draft an organogram of the potential staff structure as part of her ongoing work.
17. Given the constitution of Consumer Scotland as a Non-Ministerial Body, within the Scottish Administration, the core staff will be civil servants. This means that basic terms and conditions of employment will reflect Scottish Government policies. No concerns were raised with this way forward. It was also noted that this would mean that liaison with trades unions would be part of the wider Scottish Administration.
18. Two sets of meetings with CAS have been established. A regular meeting moderated by the Scottish Government - with representatives from SG, CAS and Consumer Scotland – which will oversee transition issues, and be the main forum for the governance of any TUPE transfers. There will also be monthly meetings on a bilateral basis between CAS and Consumer Scotland representatives to meet to discuss a range of relevant issues.

Agenda Item 5 – Finance & Governance

Budgets

19. As per an action from the previous meeting, the Implementation Team had circulated a paper providing an overview of the funding expected to support the delivery of Consumer Scotland.
20. Nick had discussed this paper with Neil prior to the meeting to gain a further understanding of the figures.
21. Going forward Consumer Scotland will need to develop a business case / proposal for funding for 2022/23. It was agreed that this analysis should be fed into the

Scottish Budget process, possibly in correspondence with Tom Arthur MSP, Minister for Public Finance, Planning and Community Wealth. These proposals should also include a summary of the emerging proposals for utilisation of the Energy and Post levies, which will be an additional funding source for Consumer Scotland, and will need to be agreed with the UK Government in early 2022. In the meantime, the Implementation Team and Nick to work together to bring much more clarity to this year's budget.

Action: Implementation Team and Nick to continue discussion around budgets, and bring further analysis to the next meeting.

Risk Register

22. Nick proposed that the risk register, as a high level document, should be brought to the Board on a quarterly basis. The work planner, which held more detail than the risk register, should be the Board's main document and tabled at every meeting. This was agreed by all.

Action: Work planner to be included with the Board papers on a monthly basis with the risk planner being brought to the Board on a quarterly basis.

Agenda Item 6 – Strategy

23. James has been working on a Board response to the BEIS consultation on *Consumers and Competition Policy*. The contents of the response were discussed and James will circulate for final comments prior to submission.

24. It was noted that the consultation closes on 1 October 2021.

25. Nick raised a potential conflict of interest which was discussed and noted.

Action: James to circulate draft response to the Board for comment prior to submission to BEIS by Implementation Team.

Action: Implementation Team to share Ministerial response to BEIS consultation once cleared.

Agenda Item 7 – AOB

26. The Chair thanked everyone for their participation and summarised the key points from the meeting.

27. The date of the next meeting is 19 October at 2 pm, and the meeting will be held on Teams.

**Consumer Scotland Implementation Team
28 September 2021**