

**Consumer Scotland Board Meeting
16 November 2021
Minute of Meeting**

Attendees: David Wilson (Chair)
Nick Martin (Board Member)
James Walker (Board Member)
Sam Ghibaldan (Project Lead)
Neil Ritchie (Scottish Government Implementation Team)
Jill Rosie (Scottish Government Implementation Team)
Sue Bomphray (Scottish Government Implementation Team)
Wendy McCutcheon (Scottish Government Implementation Team)
Joanne Beattie (Scottish Government Energy & Climate Change
Division - Observer)
Lewis Shand Smith (Chair, Energy Consumer Commission)

Apologies: Angela Morgan (Board Member)

Agenda Item 1 – Welcome

1. The Chair welcomed everyone to the meeting, and noted Angela's apologies which were due to a long-standing commitment. Angela had provided comments on the papers and Jill fed them into the relevant parts of the meeting. The Chair welcomed Joanne, who would be observing the meeting.
2. The Chair advised that Lewis Shand Smith would join the meeting for agenda item 7.

Agenda Item 2 – Minutes of Last Meeting

3. The minutes of the meeting of 19 October 2021 were agreed and an update on the actions provided.
4. Angela had requested that the risk planner be updated.

Action - The risk planner would be updated to take account of the further development of the Programme Plan – Implementation Team

5. Prior to the meeting, Wendy had met with representatives of the Collaboration Network to discuss membership and had provided an update to Members. Based on this update, the Board agreed to take out a corporate membership pack.

Action - A corporate membership for Consumer Scotland to join the Collaboration Network was agreed – Implementation Team

6. The Chair and Sam had been to view Meadowbank House in Edinburgh, which is one of the potential options for the Consumer Scotland accommodation. A formal proposal will be developed for Consumer Scotland and this will be discussed at Board level once received.

7. There followed a brief discussion on the advantages and downsides of locating within Meadowbank House. The inside of the building and the facilities generally were to a very high specification, and would be at a moderate cost. However the location and surrounding area lacks amenities and the building is at least a twenty minute walk from the centre of Edinburgh. A balance would need to be struck between amenities/cost and location.

Action - A further formal update on accommodation options, including Meadowbank House, would be added to action tracker. This should provide further detail of costs and design in Meadowbank House, and alternative options – Implementation Team, with input from the Chair

Agenda Item 3 – Programme Stocktake

8. As agreed at the previous meeting, Sam had undertaken a review of the Consumer Scotland work programme and had prepared three papers based on his findings. The first paper outlined a pragmatic assessment of what functions need to be ready to be delivered by vesting date, which are:
 - a. developing and baseline a general advocacy programme
 - b. implementing an approved levy-funded workplan
 - c. developing additional functions including the Consumer Network and recalled goods register
9. The second paper set out the objectives and requirements needed to achieve the initial operational status by vesting date. Finally, the third paper broke down in detail the key steps required to achieve all of this.
10. Jill highlighted Angela's points in reference to paper 1b. Angela stated that the work programme needs to have a focus on vulnerable consumers throughout. She also thought that there needs to be agreement on the minimum staffing requirements for April inclusive of the plan for line management of staff in post. There also needs to be a focus and time set aside to allow for the development of the Consumer Scotland workplace culture such as having an explicit reference to team building.
11. Nick stressed the importance of the purpose and vision, and what was required to achieve "approval" from the Scottish Government. The Chair stated that it was for Consumer Scotland to decide what to do, without a formal "approval" role from government. But, there would be considerable value in seeking and gaining the agreement and support by the Scottish Government.
12. It was also suggested that as part of good governance, plans should be shared in draft with stakeholders. Angela also suggested that under governance, succession planning should be considered now to ensure continuity in executive and non-executive roles.
13. In relation to paper 1c, the Chair requested that it be further developed to not only state what has to be done but how it is going to be achieved. He also queried whether this paper had identified all the key issues.

Action - The programme plan paper would be further developed to summarise what needs to be achieved to enable the new organisation to be vested in April – Sam, Sue and Jill

14. The budget for Consumer Scotland was then discussed and for the next Board meeting an outline financial plan should be tabled.

Action - A financial plan for the expected core budget for Consumer Scotland to be prepared for December Board meeting – Neil and Sam to lead on this with input from Nick

15. Sam also advised the meeting that a Levy Working Group had been established and he will be leading on this over the next few weeks.

16. Nick had enquired about staffing and that if we know what roles are needed could these jobs be recruited now and that this could also potentially accelerate other activities. However it was acknowledged that this could bring disadvantages as well as advantages.

17. The Board were advised that recruitment could commence and any staff would be employed by the Scottish Government with a clause written into their contracts that once Consumer Scotland was established they would transfer over.

18. The Board were also advised that the Scotland Act Order has now been [laid](#) in the UK Parliament and will be debated within the next eight weeks. The BEIS workplan around levy funding is also due to commence and it was noted that this does not need Ministerial approval.

19. The Chair reiterated that 1 April 2022 was the vesting date for Consumer Scotland, although there was flexibility around what needed to be launched on that day citing the [ESS Interim Strategic Plan](#) as an example. This is to be discussed at the away day.

20. Discussion around recruitment for key areas of expertise was continued with Nick citing that having an expert in Communications was important. The Chair added that not only would this person undertake standard communications work such as media but would also be instrumental in writing the strategic plan.

Agenda Item 4 - Strategy

21. James introduced the paper outlining the plans for the strategy Away Day on 9 December which is being held in the Scotsman Hotel in Edinburgh. COVID guidelines would be checked with the hotel and the Scottish Government with an update provided to Board members.

22. An outline agenda was discussed and it was agreed that this day should be facilitated to ensure the best possible outcome. James and Wendy were meeting with facilitators later this week and the Board gave approval for them to appoint one.

Action - After completion of interviews, a facilitator for the Away Day would be appointed – Implementation Team, with input from James

23. Angela had asked whether there could be a real life/thematic example for session one. She also suggested that if the Board started with the “So What” question it could focus the Board on the potential difference that Consumer Scotland can make that currently cannot be achieved by the existing landscape.
24. James suggested that there be a follow up ½ day in January to reflect on the outcomes and impact of the away day. He recommended holding this on the already arranged Board meeting date of 18 January – with the ½ day reflection day held in the morning and then the Board Meeting in the afternoon. This was agreed by all. The Implementation Team will continue to work with James on both these days.

Action - A follow-up strategy day will be planned on 18 January – Implementation Team with input from James

Agenda Item 5 – People

25. In Angela’s absence, Sue led on this agenda item and provided an update on the CEO recruitment. It is anticipated that a supplier will be appointed pre-Christmas with advertising going live in January. TUPE discussions continue with in-scope functions now agreed with CAS. There is also discussion around opportunities to recruit more staff from CAS.
26. Sue has presented to the Trade Union Strategic Forum advising them of the establishment of Consumer Scotland. Formal application needs to be made to apply for Trade Union recognition to allow Consumer Scotland to mirror the Scottish Government terms and conditions, and also to be part of the main bargaining body for matters such as pay. Until the staffing structure is decided it remains unclear which union will represent Consumer Scotland staff.
27. There followed a general discussion on staffing in general, recruitment centres, the recruitment criteria and the routes that can be taken for recruitment of staff such as TUPE, temporary contracts, secondments, open recruitment for full-time posts.
28. The Chair re-iterated that Consumer Scotland staff will be civil servants and they would abide by the Scottish Administration terms for conditions and pay. However, he noted there would be discretion and responsibility for Consumer Scotland to decide on organisational design and placement of people and roles on pay scales etc.
29. It was agreed that Sue, Sam, Angela and Jill meet before the next Board meeting to discuss recruitment in more detail and that an update paper should be tabled at the December meeting.

Action - An initial staff resourcing strategy would be prepared, outlining the various mechanisms to recruit staff into Consumer Scotland, covering direct

appointment, interim staff and secondments. Sam, Jill and Sue, with input from the Chair and Angela

Agenda Item 6 – Finance and Systems

30. Sue had prepared a paper on the various shared services that require to be procured – many of them ahead of Consumer Scotland's vesting. It has been agreed with Scottish Government Procurement that the More Powers team (established as part of the extended devolution powers granted in the Scotland Act) will provide support throughout this process.
31. Sue advised the Board that all Procurement teams were exceptionally busy and the More Powers team would only be able to assist us with a couple of procurements up until the end of this calendar year. All services used by the More Powers team will be chargeable.
32. Sue also advised that she had had numerous meetings with other non-ministerial office bodies such as the Fiscal Commission, ESS, and Food Standards Scotland. Sue had also discussed shared service requirements with WICS however they are not a non-ministerial office. All these organisations had provided comprehensive feedback with the recurring themes of:
- Procure from SG wherever possible and where it isn't, use Crown Commercial Services frameworks
 - HR will need to be procured external – this is no longer available from SG
 - It is difficult and prohibitively expensive to procure and use SCOTS if not in an SG building
33. Sue and Wendy had met with ESS officials prior to the Board meeting and officials offered to share various documents as necessary. A note of that meeting will be circulated.

Action - The note of the most recent meeting with ESS officials would be circulated – Implementation Team

34. Sue suggested that in the first instance any contracts entered into should be short in length and if possible should be shared with another non-ministerial office – however this would depend on where this body was in its own journey.
35. Sue also advised that the Board needed to take account of the staffing required to manage the contracts and shared services. The budget would also need to be agreed for 2022/23 for initial start-up costs and ongoing shared services costs.
36. The Board discussed the benefits and disadvantages of procuring Scottish Government services. It was agreed that the Board would utilise these services where appropriate entering into short contracts to allow Consumer Scotland to get up and running. Nick advised that sharing the finance function could be beneficial due to the amount of work required. Angela agreed with recommendation re laptop purchase, and also gave her in principle agreement to procure from Scottish

Government stating that there is a need to ensure that the Board remains its independence.

37. There was broad agreement that the use of Scottish Government services should be a default option, with scope to consider alternatives where this was merited. Sue will continue working on the shared services options and update the Board as required.

Action - A further update on core services would be provided to the Board as required, and this should be added to the action tracker – Implementation Team

Agenda Item 7 – Partnerships

38. The Chair provided an update on recent meetings with CAS. All meetings and outcomes are progressing well. Agreement has now been secured with CAS to begin the process of transfer of people and resources to Consumer Scotland in relation to the levy funding.

Agenda Item 8 – Energy Consumers Commission

39. The Chair welcomed Lewis to the meeting. An information paper on the ECC had been circulated with the Board papers which Lewis discussed with the Board.
40. The ECC was formed in July 2020 with a remit of enhancing the voice of consumers who reside in Scotland within the energy market. The ECC consists of representatives with a wealth of experience in national consumer advocacy and advice bodies, academia and local groups serving energy consumers in their communities. Lewis stated that the energy market in Scotland is not widely understood, and there was a need to map out the market.
41. CAS currently carries out the secretariat function of the ECC as well as having a member on the Board.
42. When the ECC was established it was anticipated that it would become a working group within Consumer Scotland, with all the necessary details to be worked through with both organisations. Discussions have already started between the Consumer Scotland Chair and Lewis though they are at an early stage and the details have still to be shared and agreed as appropriate. The work of ECC will however continue providing advice to and aligning its work with Consumer Scotland.
43. Lewis stated that the workplan for the next financial year needed to be agreed. Sam informed him that a working group had recently been established to develop this and he would discuss separately with Lewis.
44. Once all relevant parties have been informed of the alignment into Consumer Scotland, Scottish Government Ministers will be updated.

Action - Ministers would be provided with an update on the strengthening and alignment of the ECC into Consumer Scotland, with this item to be added to the action tracker - Implementation Team

Agenda Item 9 – AOB

45. There was no other business.

46. The Chair thanked everyone for their participation stating that the Board had progressed a lot of actions at this meeting. The date of the next Board meeting is 21 December at 2 pm, and will be held on Teams.

Consumer Scotland Implementation Team December 2021

Summary of Action Points

- The risk planner would be updated to take account of the further development of the programme plan – Implementation Team
- A corporate membership for Consumer Scotland to join the Collaboration Network was agreed – Implementation Team
- A further formal update on accommodation options, including Meadowbank House would be added to action tracker. This should provide further detail of costs and design in Meadowbank House, and alternative options – Implementation Team, with input from the Chair
- The programme plan paper would be further developed to summarise what needs to be achieved to enable the new organisation to be vested in April – Sam, Sue and Jill
- A financial plan for the expected core budget for Consumer Scotland to be prepared for December Board meeting – Neil and Sam to lead on this with input from Nick
- After completion of interviews, a facilitator for the Away Davy would be appointed – Implementation Team, with input from James
- A follow-up strategy day will be planned on 18 January – Implementation Team with input from James
- An initial staff resourcing strategy would be prepared, outlining the various mechanisms to recruit staff into Consumer Scotland, covering direct appointment, interim staff and secondments. Sam, Jill and Sue, with input from the Chair and Angela
- The note of the most recent meeting with ESS officials would be circulated – Implementation Team
- A further update on core services would be provided to the Board as required, and this should be added to the action tracker – Implementation Team
- Ministers would be provided with an update on the strengthening and alignment of the ECC into Consumer Scotland, with this item to be added to the action tracker - Implementation Team