

**CONSUMER SCOTLAND  
STRATEGIC BOARD MEETING**

Tuesday 16 May  
10:00-13:00  
Meadowbank House

**Minute**

**Board Members present:**

David Wilson, Chair  
Nick Martin, Member (NM)  
Angela Morgan, Member (AM)  
James Walker, Member (JW)

**Also in attendance:**

Sam Ghibaldan, Chief Executive  
Sue Bomphray, Director of Operations  
David Eiser, Director of Research and Analysis  
Douglas White, Director of Policy and Advocacy  
Sarah O'Neill, Consumer Duty Scoping Lead  
Eleanor Ryan, Glen Shuraig Consulting  
Gail Walker, Head of Water and Post  
Polly Mazurkiewicz, secretariat

**Observer:**

Jill Rosie, Scottish Government

**Apologies:**

None

**Welcome and Declaration of Interest**

1. The Chair formally welcomed everyone to the meeting, including Jill Rosie who attended on behalf of the Scottish Government, in an observational capacity, in line with the Consumer Scotland Framework Agreement.
2. No declarations of interest were noted in regards to the agenda.
3. The Chair formally declared his appointment to the Board of Highlands and Islands Enterprise, an additional appointment with no effect or conflict with regards to Consumer Scotland. It was noted

that both organisations have mechanisms in place to manage possible conflicts should any arise in the future.

### **Minutes from the Previous Meeting**

4. Subject to comments received ahead of time, the Board approved the minutes of the previous meeting held on 14 March.

### **Action Tracker**

5. The Chair updated members on the outstanding actions in the action tracker. It was noted that the majority of actions were scheduled, awaiting tabling at the Board meeting in June.
6. The Director of Operations provided a progress update on the potential move to an office in Edinburgh that would offer sustainability benefits and facilitate the evolving collaboration on sharing of services with Environmental Standards Scotland. An **action** was taken to arrange a follow up session for the Board on the business case.
7. The Chair noted that colleagues had prepared an excellent and detailed papers pack for this meeting, and given the volume of information to consider, members would benefit from having more time between papers issuing and the meeting to allow a thorough consideration. Ways of managing how Board members are sighted on paper packs would be considered moving forward.

### **Consumer Welfare Report**

8. The Director of Research and Analysis presented members with issues for consideration, and proposed next steps on the Consumer Welfare Report. Consumer Scotland has a statutory obligation to produce the report as soon reasonably practicable after the end of each reporting period, with the first iteration due before April 2026.
9. Views were sought on purpose, scope, and timescales for the report.
10. In discussion a number of points were made:
  - a. The report should offer a big picture view of consumer Issues in Scotland, and not be a mechanism to report on Consumer Scotland's performance. It was noted that performance measuring should be taken forward separately but in alignment with the report
  - b. The reports audience and stakeholders should be engaged in the process of producing the report to ensure impact. Consumers in vulnerable circumstances must be considered.
  - c. It was important to be ambitious with the report and use it as an opportunity to reframe the conversation in Scotland about consumer experiences.

11. The Director of Research and Analysis thanked the Board for their feedback, which would be taken on board as work progresses.

## **Consumer Duty**

12. The Consumer Duty Scoping Lead joined the meeting and presented the final report of her scoping work on the Consumer Duty.

13. The aims of the Consumer Duty were set out, notably its broad objective of ensuring public bodies make better policy for consumers and users of public services.

14. It was noted that there were still some unknowns on next steps, including the extent of Consumer Scotland's role and responsibilities with regards to the duty. The Scottish Government was considering this.

15. Anticipated timelines were discussed.

16. The scoping lead presented her key recommendations to the Board:

- a. Steps should be taken as soon as possible to raise awareness among public authorities and other stakeholders of the duty, with engagement taking place at Board and Senior Management level. Consumer Scotland's role in awareness raising activity needs to be determined
- b. The guidance needs to look at consumer outcomes
- c. Guidance needs to set out what proportionate means
- d. Good practice examples should be highlighted / prioritised in the guidance
- e. An initial estimate of the staffing resource required was included, with the caveat that it was difficult to be confident until there was a greater clarity about Consumer Scotland's remit.

17. The Board noted:

- a. It was important to be assured that a proportionate but effective duty process is designed. Consumer Scotland should consider how to best assist the Scottish Government to shape that mechanism moving forward
- b. The impact of the duty must be carefully considered noting both the risks and opportunities, working in partnership with the Scottish Government
- c. Assurance on any additional funding for further roles that Consumer Scotland may undertake in relation to the duty must be provided by the Scottish Government before work gets underway

18. The Scoping Lead took an **action** to prepare a draft letter to the Scottish Government communicating proposals on how to fulfil the objectives of the duty, which would be shared with the Board for consideration.

19. The Chair thanked the Consumer Duty Scoping Lead for her item, who then left the meeting.

## **Governance Review**

20. Governance Advisor Eleanor Ryan (ER), of Glen Shuraig Consulting, joined the meeting to discuss and answer any questions on her recently concluded Governance Review of Consumer Scotland. The Finance, Governance and Corporate Services Manager joined as an observer for the item.

21. ER summarised her findings, noting that Consumer Scotland had come a long way in a short time. Many key requirements were already in place and the organisation was aware of what still needed work, and what should be kept under review.

22. It was noted that Consumer Scotland was using an old template for its Framework Agreement with the Scottish Government, and that the Board may choose to pursue updating to the latest version, noting that this would be beneficial both to Consumer Scotland and the Scottish Government. It was agreed to pursue any updates in line with the 3 year review cycle which was already in place.

23. ER recommended conducting a follow up governance review in 18 months.

24. The Board fed back that:

- a. The report was both timely and useful, and formed a great basis for to review performance
- b. A clarification around roles, responsibilities and governance terminology would be helpful both for the Board and wider organisation

25. An **action** being taken to arrange a public sector governance workshop between ER and the Board.

26. The Board discussed the skills matrix prepared by ER, in the context of recruiting a 5<sup>th</sup> Board member.

27. It was noted that there is good mix of skills at Consumer Scotland, with no succession pinch points identified.

28. A progress update on the appointment of the 5<sup>th</sup> Board member was provided by the Director of Operations, with an appointment being expected in the Autumn.

29. An **action** was taken to share the job specification for the 5<sup>th</sup> Board member.

30. Discussion was had about what makes a successful board and the Chair concluded that board development should be considered alongside Learning and Development in the wider organisation. Continuous improvement is important, and the induction process for the 5<sup>th</sup> board member should be carefully considered.
31. The Chair thanked ER for her work on the Governance Review on behalf of the Board, and ER and the Finance, Governance and Corporate Services Manager left the meeting.

### **Water Market Health Checker**

32. The Head of Water and Post joined the meeting, and updated the Board on Consumer Scotland's involvement in the production of a Market Health Checker (MHC) in the Non-Domestic Water Sector in Scotland.
33. Progress had moved at pace. The Senior Stakeholder Group, which the Head of Water and Post chairs, had agreed to take forward the MHC scope and code of practice. WICS have started to draft a signalling document to clearly indicate that stakeholders are working together collaboratively, and will be sharing outcomes when the MHC kicks off.
34. It was noted that the water industry in Scotland is genuinely collaborative and that the MHC is another a positive example of that.
35. It was noted that the Competition and Markets Authority (CMA) have jurisdiction on non-domestic market in Scotland. In practice CMA has not become actively involved in non-domestic water market to date.
36. The outcome of the MHC is to conduct health checks within licence providers, to monitor where they are working well and can improve.
37. Members fed back that the MHC was a success and deserved recognition.
38. The Board suggested having a final wash-up session on the MHC, and an **action** was taken to schedule this as a seminar session with the Board in due course.
39. The Chair concluded discussions, reflecting on the MHC in the context of the Consumer Duty work, as both pieces aimed for similar positive outcomes for consumers.
40. The Head of Water and Post left the meeting.

### **Understanding and Evidencing Impact next steps**

41. The Director of Policy and Advocacy presented the Board with an update on the work completed to date on understanding and evidencing Consumer Scotland's impact.
42. Matter of Focus had been commissioned to help determine Consumer Scotland's impact as an advocacy body. They produced an impact framework and set of recommendations which drew on workshops with team and Board members. An internal task and finish group is considering the framework and recommendations alongside Consumer Scotland's other programme and project management systems.
43. It was noted that progress updates would be provided to Board members and sign off would be sought at the appropriate points. The intention was to finalise our approach in the Autumn.
44. The Chair noted that it is important to remember this work in the context of the Consumer Welfare Report, given the importance that the pieces interact.
45. The Board thanked The Director of Policy and Advocacy for his update.

#### **Investigations next steps**

46. The Director of Research and Analysis updated the Board on next steps being taken to progress Consumer Scotland's Investigations function.
47. Internal workshops were being arranged to take forward the recommended next steps following scoping work. The first workshop would take place in a few weeks, with colleagues asked to consider what are we going to investigate and why. A further workshop will take a subset of those potential investigations and get into the how.
48. Legal advice on next steps was being considered in parallel, with someone identified to give Scottish specific legal advice.
49. A job specification for a Head of Investigation was being developed with the intention of having someone in post by the autumn, and to have the first pre-investigation work started before the end of year.

#### **AOB**

50. AM updated members on progress establishing the Consumers in Vulnerable Circumstances Committee.

51. Since the last Board meeting work has progressed, with progress made on refining the terms of reference, and identifying potential membership. An update paper will be tabled at the June Board meeting, with a first meeting of the Committee anticipated in August.
52. The Director of Operations reminded members of the timetable for the annual accounts, which would form the main focus of the June Board meeting.
53. The Chief Executive noted that there is a huge amount of work going across the organisation and there was limited capacity for committing to further work.
54. The Chief Executive informed members that Consumer Scotland has agreed in principle to hold a joint stakeholder event with the Competitions and Markets Authority on 21 June in Edinburgh. The CMA Boards had invited the Consumer Scotland Board to engage over dinner.
55. Given time limitations and the extensive agenda, the Chair invited members to provide further comments on substantive items after the meeting by email.
56. There being no other business, the meeting closed.