

CONSUMER SCOTLAND BOARD MEETING

Tuesday 28 February 2023

1600-1700

By MS Teams

Minutes

Board Members Present:

David Wilson, Chair

James Walker, Member (JW)

Nick Martin, Member (NM)

Also In Attendance

Consumer Scotland:

Sam Ghibaldan, Chief Executive (SG)

Sue Bomphray, Director of Operations (SB)

Laura Smart, Investigations Scoping Lead (LS)

David Eiser, Director of Research and Analysis (DE)

Polly Mazurkiewicz (secretariat)

Apologies

Angela Morgan, Member (AM)

Investigations scoping follow up session

1. The Board reconvened by MS Teams on 28 February 2023 for the remainder of Laura Smart's investigative function presentation, with a focus on Investigations delivery, structure and resourcing.
2. The Chair passed on the apologies of AM.
3. LS shared options for investigations staffing structure models and the pros and cons of having a dedicated team vs a matrix managed, no dedicated team approach.
4. The Board offered feedback on staffing models, noting that the potential structure would be dependent on the volume of anticipated investigations while recognising the benefits of a dedicated team would be preferable. There may be opportunities to utilise the skills and resource of other teams dependent on the volume of investigations and other considerations.
5. LS took the Board through resourcing models for high volume/fast turnover, medium volume/high resources and low volume/medium resources investigative functions. In all cases the major

cost of investigations was staffing, and there were three growth options to consider – slow, medium and optimistic.

6. The Board fed back that:
 - a. While legislation lets us do investigations CS has a choice of whether it wanted to have an investigatory function.
 - b. A strategic approach will help inform the forecast of resourcing for Y2 and beyond.
 - c. The first investigation will provide further insight into the resource and expertise required.
7. SG noted that one C1 investigations position has been budgeted for 2023-24, meaning we do not have enough budget to form a larger team. We have committed to a dialogue the Scottish Government about reaching a shared understanding of longer-term resource requirements.
8. It was noted that legal questions identified relating to the risk and resistance of investigations, and interactions with other pieces of legislation need to be considered alongside sequencing and timing.
9. In terms of next steps, SG confirmed that
 - a. Legal advice will be sought
 - b. Informed by that advice, a decision on our strategy for establishing the investigations function will be taken
 - c. Appropriate recruitment will then be put in train
 - d. In parallel a shortlist of initial potential investigations topics will be developed
 - e. It was agreed that the Board should receive an implementation plan by the summer, noting the need to approach the establishment of the investigations function in a cautious, deliberate, thoughtful way, including timings for pre-investigations.
10. It was noted that legal advice should be initiated as soon as possible, and SB updated that this was being actively pursued, taking into consideration challenges relating to the limitations of legal procurement frameworks.
11. LS concluded her presentation by thanking the Board for their responses and summarising key takeaways from her research and scoping discussions.
12. The Chair thanked LS for her exceptional piece of work and passed on the Board's gratitude for the engagement and impact of her secondment.
13. The meeting ended.