

Integration Joint Board

Date of Meeting: January 2023

Title of Report: Consumer Scotland Duty

Presented by: Charlotte Craig

The Integration Joint Board is asked to:

- Note an additional public duty from 1 April 2024
- Note that guidance has not yet been published
- Note that 2024-25 will be regarded as an implementation year.

1. EXECUTIVE SUMMARY

Following the Consumer (Scotland) Act 2020, Consumer Scotland was set up as a new statutory and independent body in April 2022. The purpose of the body is to promote the interests of Consumers and is independent from the government and accountable to Parliament.

The duties on public sector bodies under the act are detailed in the introduction. Guidance for public bodies will be available by 31 March 2024. The duty applies to strategic decisions of the board. Consumer Scotland is the statutory, independent body for consumers in Scotland. It was established by the Scottish Parliament under the Consumer Scotland Act 2020 to advocate on behalf of consumers and represent consumer interests.

Consumer Scotland has a specific rural dimension and considers priority consumers.

2. INTRODUCTION

This report seeks to alert the IJB to a further public duty of which we were notified on 8 November 2023 (see appendix 1) which will apply from 1 April 2024, guidance on meeting the duty will be in place by 31 March 2024. The report will explore where this potentially will require to be considered and evidenced as an IJB.

3. DETAIL OF REPORT

Consumer Scotland has noted its initial focus in the following areas:

Consumer Scotland will use data and analysis to prepare expert reports on key issues facing consumers. These reports will include recommendations to government on how to tackle them.

The body will engage with businesses, consumer, regulatory and enforcement bodies, the public sector and government at Scottish, UK and local level to ensure consumer rights and interests are at the heart of markets, services and policy development.

Its remit will include consumers in vulnerable circumstances and putting consumers at the heart of the transition to Net Zero.

The body's initial focus will be on the key sectors of energy, water and postal services and the impact of the cost of living crisis as set out in its newly-published [Workplan for Energy, Post and Water](#). Projects include improving fairness in the energy market and enabling greater choice in the parcels market.

The body is developing its strategy for the medium to longer term through its [Interim Strategic Plan](#), Consumer Scotland will build its capacity ... and publish its Strategic Plan next Spring.

Consumer Scotland has the power to conduct statutory investigations into the most serious issues of consumer harm in Scotland.

The body stands ready to support the implementation of the new Consumer Duty on public bodies introduced under the 2020 Act.

Integration Joint Boards were not initially considered within scope of the public bodies but given the wide remit of inclusion, fairness and prosperity this was reconsidered and applied.

Guidance on application and evidence of meeting of the public duty will be published before 31 March 2024 with further assurance to the IJB on how this will be operationalised.

4. RELEVANT DATA AND INDICATORS

None at present but Consumer Scotland activity and reporting will become pertinent in future.

5. CONTRIBUTION TO STRATEGIC PRIORITIES

Supportive of approach to equity of service provision.

6. GOVERNANCE IMPLICATIONS

6.1 Financial Impact

None identified at present

6.2 Staff Governance

None identified at present

6.3 Clinical and Care Governance

None identified at present but may have impacts pending outcomes of Consumer Scotland activity in future.

7. PROFESSIONAL ADVISORY

Further to notification of the forthcoming duty a meeting was convened with the policy unit at Scottish Government to understand the implications and evidentiary requirements of meeting the duty as an IJB. This included the definition of a consumer given that health and social care services are primarily provided based on need as opposed to option. The discussion noted the wider environment impacting on health and social care consumers e.g. impacts of remote and rural service provision which provided relevant context.

8. EQUALITY & DIVERSITY IMPLICATIONS

Consumer Scotland is the statutory body designed to promote the collective interests of consumers in Scotland. As an independent body, Consumer Scotland will work with policymakers and key organisations to put consumer rights and interests at the heart of markets and services.

9. GENERAL DATA PROTECTION PRINCIPLES COMPLIANCE

Not directly applicable to this report.

10. RISK ASSESSMENT

This is a broad public duty across sectors. Consideration will be given as to how the IJB will be able to meet any proposed guidance and further dialogue has been offered to support this.

11. PUBLIC & USER INVOLVEMENT & ENGAGEMENT

This duty specifically focusses on the consumer and aligns with other guidance and duties for which the IJB has policy and framework support in place.

12. CONCLUSIONS

The IJB is asked to note the additional public duty and the forthcoming guidance. Further assurance on meeting the guidance will be provided to the board.

13. DIRECTIONS

Directions required to Council, NHS Board or both.	Directions to:	tick
	No Directions required	x
	Argyll & Bute Council	
	NHS Highland Health Board	
	Argyll & Bute Council and NHS Highland Health Board	

REPORT AUTHOR AND CONTACT

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Appendix 1 -received by email 8 November 2024

Dear Chief Officer

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As you may be aware, the [Consumer Scotland Act 2020](#) established Consumer Scotland as the statutory body for consumer advice and advocacy in Scotland.

As part of the process in establishing Consumer Scotland, stakeholder feedback identified the need for comprehensive change in how the interests of consumers are considered and integrated into policy and decision making to ensure that no detriment is brought to them as a result of strategic public body policy decisions. To this end, the Consumer Scotland Act 2020 requires that a relevant public authority must, when making decisions of a strategic nature about how to exercise its functions, consider the impact of those decisions on consumers in Scotland, and the desirability of reducing harm to them.

A Consultation on a Consumer Duty for Public Bodies was carried out in 2021 seeking views on the public bodies this Duty should apply to. The Scottish Government published its analysis to this consultation, which can be viewed at [A Consultation on a Consumer Duty for Public Bodies – Analysis of Consultation Responses - gov.scot \(www.gov.scot\)](#). Overall, there was broad support for the Duty to apply to **all** public bodies **in a proportionate manner**.

The Scottish Government will now progress the necessary legislation to allow this Duty to come into force on 1 April 2024.

Consumer Scotland has the legislative responsibility for developing the guidance to support the Duty and will be meeting with stakeholders to seek views from public bodies which will inform the guidance.

While the responsibility for issuing the guidance to the Duty sits with Consumer Scotland, Scottish Government officials are still very keen to discuss any issues or queries public bodies may have in relation to the legislation or key principles of the Duty.

Should you wish to discuss this in more detail, or believe your organisation already has appropriate governance structures in place and/or covered by a wider corporate body, please let me know and we will discuss further with you.

It would also be helpful if you could confirm receipt of this email.

An information leaflet is attached which provides further details on the introduction of the Duty which I hope you find helpful.

I look forward to hearing back from you.

With kind regards