

ECONOMY, ENERGY AND FAIR WORK COMMITTEE

CONSUMER SCOTLAND BILL

SUBMISSION FROM: TRANSPORT FOCUS

1. What are your views on the Bill overall? How far do you think the Bill will achieve what it sets out to do? Are there gaps in the support currently available to consumers? How would Consumer Scotland fill these gaps? What priorities should Consumer Scotland have?

The Bill has a clear focus to identify consumer harm and a primary goal to develop and advocate solutions to reduce that harm. This provides Consumer Scotland with a key fundamental objective that should facilitate delivery of the aims of the Bill.

A function of Consumer Scotland is to provide strategic oversight of the consumer landscape which should identify gaps in support available to consumers and in doing so; provide solutions to fill any such gaps.

The goals and functions of Consumer Scotland give sufficient scope to allow Consumer Scotland to identify where consumer harm exists and prioritise resources to assist ameliorating that harm.

2. The Scottish Government recognises that there are already many organisations working with consumers in Scotland. The Bill would therefore require Consumer Scotland to work in collaboration with other bodies where appropriate. How does Consumer Scotland fit in with other bodies operating in this sector? How could Consumer Scotland help streamline services? Will the legislative provisions ensure Consumer Scotland does not duplicate existing work?

Transport Focus was a member of an Expert Panel as part of the Scottish Government's Independent Working Group on Consumer and Competition Policy.

Many of the recommendations of the Working Group are enshrined within the Bill, to include extensive evidence gathering and priorities developed in consultation with other consumer bodies, to ensure priorities are identified and shared, reducing the risk of duplication and fitting in with an agreed objective of reducing consumer harm.

3. The Bill would provide Consumer Scotland with powers to provide advice; represent the views of consumers; collect information; organise research; and carry out investigations. Scottish Ministers are able to add to, vary or remove functions as required. Do you think Consumer Scotland has the necessary powers to make a difference to consumers in Scotland?

As stated above the Bill provides sufficient powers in a number of areas. One of the key aspects will be any report of its findings, that follows an investigation and recommendations contained within the report. The recommendations may require action by business, regulators and Government.

To a large extent this will be determined by the evidence contained within the report is underpinned with rigour and credibility that gives the recommendations weight to be acted upon by the appropriate authority.

Consumer Scotland should present and advocate recommendations in any report to ensure its independence.

4. Consumer Scotland would have a duty to consider the interests of vulnerable consumers, including disabled, older, low income and rural consumers. Do you think the creation of Consumer Scotland will make a difference to your consumer problems, or the problems of the consumers that your organisation deals with?

We take the view that Consumer Scotland could assist by identifying consumer harm in such areas as transport poverty and/or lack of provision of adequate transport services that limits consumers accessing economic, leisure and educational opportunities. By working collaboratively with Consumer Scotland, we could identify practical solutions to reduce consumer harm.

5. Most consumer protection powers are reserved to the UK Parliament. Consumer Scotland won't be able to change reserved laws or require UK-wide bodies to do anything. Will this limit how effective it can be? How should Consumer Scotland tackle consumer issues which are affected by reserved powers?

The goals and key functions of Consumer Scotland allows it to focus on the diverse consumer landscape in Scotland and propose solutions to problems identified. There may well be issues identified which are affected by reserved powers but this should allow partnership working in any investigation and subsequent report with the agreed goal of reducing consumer harm agreed at the outset.

6. The Scottish Government intends that information about consumer problems will be widely shared between organisations so that action can be prioritised (see the Policy Memorandum, paragraphs 21 and 22). There are legal and organisational barriers to this sort of information sharing. Do you think it can be achieved in practice?

At Transport Focus we are committed to demonstrating high levels of accountability and transparency. We have adopted the Model Publication Scheme prepared and approved by the Information Commissioner. This scheme commits Transport Focus to making certain information routinely available. Consumer Scotland and other bodies adopting the Scheme would reduce organisational barriers to information sharing.

7. The Bill creates a new duty on public bodies to consider the impact of their policies on consumers. How can Consumer Scotland ensure that this makes a practical difference to consumers? How do you think the duty should operate?

Providing a consumer duty on public bodies, in particular during the policy making process could make a practical difference by considering any unintended consequences of policy that contributes to consumer harm, thus mitigating harm at the outset and assisting in achieving one of the goals of Consumer Scotland.