September 2019

**Consumer Scotland (Scotland) Bill**

**Scottish Parliament: Economy, Energy and Fair Work Committee**

1. **Are there gaps in the support currently available to consumers? How would Consumer Scotland fill these gaps? What priorities should Consumer Scotland have?**

Age Scotland provides free information, friendship and advice to older people and their families in Scotland. Through this experience we have found it difficult to sign post older people for more in depth information on consumer issues. It is clear that the provision of consumer advice is patchy at best and can be very confusing for older people as to where to go for someone to take up their case – whether this should be their local Citizens Advice Bureau (CAB), the Citizens Advice Consumer Service, Advice Direct Scotland or their local Trading Standards team. We have also found that some organisations have premium advice lines, which can be very costly for people trying to utilize their service and are often digital by default.

We believe Consumer Scotland’s priorities should be to provide free advice which is done so in an accessible way. We have found that older people in particular need to have the option to write to case workers and also prefer face to face appointments where they can be supported to understand the contractual terms they have agreed to Caseworkers will need access to a client’s documentation and this is a service which is most effectively delivered face-to-face. We feel that the new body should replicate Social Security Scotland’s approach to working with clients, which has a variety of ways in which people can contact them and is available locally. This would help to fill the current gaps in consumer advice and streamline the process making it more efficient and easier for consumers seeking assistance.

1. **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?**

Yes, Age Scotland believes that Consumer Scotland would be able to make a positive contribution to older people providing that they are available to provide advice and information on the telephone, face to face, and are able to provide follow up assistance and the ability to do case work. This would be particularly important for people living in rural and more remote areas.

With the number of people with dementia predicted to increase by 50% by 2040 it is essential that staff are trained to be dementia aware and know how to best meet their consumer needs, particularly as people affected by dementia may be perceived to be easy targets for scammers.

We also believe there is a role for Consumer Scotland to play in making sure businesses and contracts understand the role of people who hold a Power of Attorney and what this means in practice.

1. **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?**

We do not see this as a major source for concern. Currently the Competition and Markets Authority (CMA) make recommendations which covers the whole of the UK and is also unable to change laws or require UK-wide bodies to enact their recommendations. Any recommendations provided by Consumer Scotland will help to make UK-wide bodies more aware of the differences they should consider in the devolved nations, and help provide clarity on devolved issues. It would also be useful for one organisation who can act as a main point of contact for cross borders issues.

Consumer Scotland will also have an important role in raising general public awareness on their rights and ways to get redress if they have a problem.

We would welcome further information on how the Scottish Government envisages Consumer Scotland working with the CMA.

1. **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?**

We feel that sharing information if approached sensibly should not be a problem. There is current legislation in place (General Data Protection Regulation (GDPR)) which outlines how data sharing practices should be done and highlights that anonymised examples can shared to aid in learning and practice. It is also likely that streamlined service level agreements could be put in place between organisations in order to legally and appropriately share data when necessary.

1. **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?**

Age Scotland believes this new duty has scope to impact consumers positively, for example older people who have care at home contracts with their local authorities and with private providers under arrangements for self-directed support. However, we question the extent this new duty would practically make to consumers if public bodies merely have to ‘consider’ the impact of their policies on consumers.

1. **Are there any other aspects of the Bill you would like to comment on?**

Age Scotland welcomes the fact Consumer Scotland would have a duty to consider the interests of vulnerable consumers, including older people. It is essential that this newly created agency takes into account those who are affected by digital exclusion.

Digital exclusion can mean older people are unable to access information about their rights as consumers. This excludes the 500,000 people in Scotland over the age 60 who do not use the internet. It is important that information is available in different forms such as paper, on the phone, and face to face.

We believe that more clarity is needed on the exact role of Consumer Scotland, however, in terms of whether it will act purely as an advice agency, or if it will provide case work and act as an advocate for consumers. Clarity over whose role it is to act as advocate for consumer issues would be welcome, and whether this is the role of Trading Standards Scotland.

It is also essential that Consumer Scotland works with other organisations who are trusted when it comes to providing advice, such as Age Scotland’s helpline and the network of Citizen Advice Bureaus.

It is important that staff at Consumer Scotland are aware of the power imbalance in contracts that are more likely to impact vulnerable people such as care homes, funerals, and mobility schemes. Staff should also be wary of older people being coerced into signing contracts and report these instances as elder abuse to the police, social services, or organisations such as Age Scotland and Action on Elder Abuse.

**Want to find out more?**

As Scotland’s national charity supporting people over the age of 50, Age Scotland works to improve older people’s lives and promote their rights and interests. We aim to help people love later life, whatever their circumstances. We want Scotland to be the best place in the world to grow older.

Our Policy, Communications and Campaigns team research, analyse and comment on a wide range of public policy issues affecting older people in Scotland.

Our work is guided by the views and needs of older people themselves.

**Further information**

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