

Consumer Duty

The Scottish Social Services Council is the regulator for the social work, social care and early years workforce in Scotland. Our work means the people of Scotland can count on social services being provided by a trusted, skilled and confident workforce.

We protect the public by registering social service workers, setting standards for their practice, conduct, training and education and by supporting their professional development. Where people fall below the standards of practice and conduct we can investigate and take action.

We:

- publish the national codes of practice for people working in social services and their employers
- register people working in social services and make sure they adhere to the SSSC Codes of Practice
- promote and regulate the learning and development of the social service workforce
- are the national lead for workforce development and planning for social services in Scotland.
- Are an ONS statistics provider

Question 1 – Public authorities bound by the duty

a) Do you agree that the Consumer Duty should be applied to the organisations proposed in the public authorities section of this consultation?

No comment

b) If not, which public authorities should be excluded, and why?

We can appreciate the reasoning for including the SSSC on the list of public authorities bound by the Consumer Duty. In our case we would assume that our 'consumers' are our registrants who are required to pay an annual registration fee to us to remain on our register. We would like to highlight, however, that within the social work, social care and early years sectors in Scotland, the language of consumers is not generally used. Rather than talking of consumers, the social work, social care and early years sectors tend to talk of people who use services, whereas we refer to the people on our register as registrants. Ultimately there is a

financial exchange between our registrants and us, so we can understand the reason for including us on the list of public bodies to be bound by the duty. However, whether the payment of registration fees falls under the definition of consumer intended by the duty is unclear.

Our position is that we do not believe that the requirement of our registrants to pay registration fees equates to them buying a service from us. We believe that a clearer definition of consumer, in terms of the duty, is required to determine whether it is appropriate that the SSSC is bound by his duty.

C) Are there any public authorities you feel should be bound by the duty which have not been listed, please give reasons why?

No

Question 2 – Functions in scope

a) Should public bodies be subject to the duty when carrying out all of their functions or only specific functions?

We support the aims of the Consumer Duty: reducing consumer harm, increasing confidence, promoting sustainable consumption, increased inclusion and fairness and, increasing how much consumers are taken into account in Scotland.

However, we do not believe that the Consumer Duty as proposed should apply across all the functions of the public bodies listed in the consultation document. Public bodies are already subject to a wide variety of impact assessments that they are required to carry out in the course of their operations. If the Consumer Duty were to apply to all functions of the public bodies listed, this would be over-burdensome. Therefore, the Consumer Duty should only be applied to specific functions.

b) If all functions, why?

N/A

c) If just specified functions, how should these be determined?

It is our belief that the Consumer Duty as proposed should not be applied to all public bodies listed in the consultation document, in particular those carrying out regulatory functions for which fees are paid. However, if the Consumer Duty were to be applied to all the public bodies as listed, then it should only apply to specific functions.

If the Consumer Duty were to apply to a public body, it should only apply to those functions which will have, or are deemed by the public body as

likely to have, an impact on consumers. The Scottish Government should also publish clear guidance on instances when the duty definitely does apply, and those instances when it does not. Ensuring that public bodies are clear on how the duty is to be applied will lessen the burden of the duty on those public bodies.

Question 3 – Reporting and governance

a) Do you have any comments on the reporting requirements of the duty, which will help to ensure public authorities meet the conditions?

We support the proposal to allow public bodies to meet their reporting requirement within their annual reports. Many public bodies are subject to numerous reporting requirements which for smaller public bodies, can put a strain on their business as usual activities. Allowing this duty to be discharged within the public body's annual reports should mitigate the impact this duty will have on their resources.

b) What further key considerations or consultation do you think is required to ensure that the governance and reporting structures suit public bodies?

The main action Scottish Government could take to ensure the reporting structures suit public bodies is to issue clear guidance. This guidance must be provided by the government and indicate what exactly the reporting duty entails and how it is to be met. This consideration should also be applied to other reporting and assessment duties attached to public bodies in Scotland.

Scottish Social Services Council

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