

# **Application for designation as a super-complainant under the Enterprise Act 2002**

June 2025

# 1. Introduction

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1.1 This document represents Consumer Scotland’s application to be designated as a ‘super-complainant’ under section 11(6) of the Enterprise Act 2002 (“the 2002 Act”). This document, together with attachments:

- 1) Demonstrates that Consumer Scotland represents the interests of consumers.
- 2) Contains the information set out in the guidance published by the Department for Business and Trade for bodies seeking designation as super-complainants under the 2002 Act.<sup>1</sup>

## About Consumer Scotland

1.2 Consumer Scotland is the independent statutory organisation which represents the interests of consumers in Scotland. Established by the [Consumer Scotland Act 2020](#), Consumer Scotland was formally launched in April 2022, and has now been in operation for just over three years.

1.3 The Consumer Scotland Act gives Consumer Scotland a general statutory function of providing consumer advocacy and advice<sup>2</sup>. Box 1 sets out Consumer Scotland’s statutory function as set out in the Act.

1.4 Consumer Scotland is accountable to the Scottish Parliament. Our Annual Work Programme is laid before parliament, and our activities and effectiveness are scrutinised by the parliament.

1.5 Consumer Scotland currently employs 37 staff and receives its core funding from the Scottish Government, alongside levy funding to support its work representing consumers in the water, electricity, gas, heat networks, and postal markets.

1.6 **Address for official correspondence - Thistle House 91 Haymarket Terrace, Edinburgh, EH12 5HD**

1.7 **In the submission of this application we formal undertake to notify the Secretary of State of any material changes to the information supplied which could be relevant to meeting any of the criteria.**

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<sup>1</sup> [Super-complaints: guidance for bodies seeking designation as super-complainants - GOV.UK](#)

<sup>2</sup> Section 2(1) Consumer Scotland Act 2020

**Box 1: Consumer Scotland's statutory functions**

The Consumer Scotland Act 2020 gives Consumer Scotland the overall general function of representing the interests of consumers through advocacy and advice, with a view to:

- a) reducing harm to consumers in Scotland
- b) increasing confidence among consumers in Scotland in dealing with businesses that supply goods and services to consumers
- c) increasing the extent to which consumer matters are taken into account by public authorities in Scotland
- d) promoting-
  - (i) sustainable consumption of natural resources
  - (ii) other environmentally sustainable practicesin relation to the acquisition, use and disposal of goods by consumers in Scotland
- e) otherwise advancing inclusion, fairness, prosperity and other aspects of wellbeing in Scotland

In exercising its general function, Consumer Scotland also has the following particular functions<sup>3</sup>:

- The representative function, which allows it to provide advice and information, make proposals, and represent consumers' views to the Scottish Ministers, UK government and others about consumer matters
- The research and investigation function, which allows it to:
  - obtain, analyse and keep under review information about consumer matters and the view of consumers on consumer matters.
  - undertake investigations into sectors or practices which Consumer Scotland considers cause, or may cause, harm to consumers, or otherwise for the purpose of fulfilling its general function
- The information function, which allows it to provide or secure the provision of information and advice to consumers about Consumer Scotland and its functions and about consumer matters
- The recall of goods function, which requires it to establish and operate, or secure the establishment and operation of, a publicly available database of recalls of goods in Scotland

Consumer Scotland also has various statutory functions under the Consumers, Estate Agents and Redress Act 2007. These include a power to investigate any matter relating to the number and location of public post offices in England, Wales, and Scotland<sup>4</sup>, a power to require certain persons to provide it with specified information<sup>5</sup>, and a duty to publish such statistical information as it considers

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<sup>3</sup> Sections 3-6 Consumer Scotland Act 2020

<sup>4</sup> Section 15 Consumers, Estate Agents and Redress Act 2007

<sup>5</sup> Section 24 Consumers, Estate Agents and Redress Act 2007. Note: Consumer Scotland also has similar powers under section 9 of the Consumer Scotland Act 2020

appropriate about the compliance of energy suppliers and postal operators with prescribed complaints handling standards<sup>6</sup>.

## Representing the interests of consumers

1.8 Section 11(6)(a) of the *Enterprise Act 2002* sets out the key criterion for designation as a super-complainant: the body must appear to the Secretary of State to “*represent the interests of consumers of any description.*” Consumer Scotland was established specifically for such a purpose and as such meets the statutory requirement test.

1.9 Consumer Scotland’s founding motive and general purpose is to promote and protect the interests of consumers through robust, evidence-based advocacy and advice. It acts independently, in the public interest, and is uniquely positioned to identify and challenge systemic consumer harm. We believe there is a clear and compelling case for the Secretary of State to designate Consumer Scotland under the Act.

## Background to the establishment of Consumer Scotland

1.10 Following the Scottish independence referendum in 2014, the Smith Commission was established to devolve further powers to the Scottish Parliament. Consumer advocacy and advice were key areas identified to ensure Scottish consumers had a stronger voice in markets that affect them. The Commission therefore led directly to the devolution of consumer advocacy and advice under Section 50 of the Scotland Act 2016.

1.11 Thereafter, the Scottish Government’s Smith Commission Working Group on Consumer Protection endorsed the creation of a statutory body with the authority to investigate consumer harm and *represent* consumers across both devolved and reserved markets.

1.12 Consumer Scotland is the body created to fulfil that role—acting as the national voice for consumers in Scotland.

1.13 The Working Group final report set out a clear ambition for the powers it should have—

*“Consumer Scotland will also require information-gathering powers similar to those currently held by the Citizens Advice service and the Consumer Council for Northern Ireland. These should include rights to be consulted by economic regulators on matters which affect Scottish consumer interests; rights to refer failing markets to regulators; rights of appeal where appropriate against high*

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<sup>6</sup> Section 45 (2) Consumers, Estate Agents and Redress Act 2007

*impact regulatory decisions; **powers to initiate super-complaints**; and resources to sponsor and support collective actions for competition law redress under Schedule 8 of the Consumer Rights Act 2015.*

1.14 To reiterate, Consumer Scotland was created through powers devolved from the UK Government to the Scottish Parliament and Government, specifically to represent the interests of consumers - and does so through its statutory role to provide consumer advocacy and advice.

1.15 It performs similar functions to other bodies that currently have super-complainant status under Section 11, such as Which? (the Consumers Association), Citizens Advice, Citizens Advice Scotland, the Consumer Council for Water and the Consumer Council for Northern Ireland (among others)<sup>7</sup>.

## Structure of this application

1.16 The remainder of this application deals in turn with the 5 criteria to be applied by the Secretary of State in determining whether to designate a body, as guidance published under 11(6)(b) of the Enterprise Act 2002 – these are –

**Criterion 1 - The body is so constituted, managed and controlled as to be expected to act independently, impartially and with complete integrity.**

**Criterion 2 - The body can demonstrate considerable experience and competence in representing the interests of consumers of any description.**

**Criterion 3 - The body has the capability to put together reasoned super-complaints on a range of issues.**

**Criterion 4 - The body is ready and willing to co-operate with the CMA and/or with any other authority, body or person having responsibility for responding to super-complaints. In particular, the body agrees to take account of any guidance issued by the CMA on the making of super-complaints.**

**Criterion 5 - The fact that a body has a trading arm will not disqualify it from being designated, provided that the trading arm does not control the body, any profits of the trading arm are only used to further the stated objectives of the body, and the body has established procedures to ensure that any potential conflicts of interest are properly dealt with.**

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<sup>7</sup> The Enterprise Act 2002 (Bodies Designated to make Super-complaints) Order 2004

## 2. Criterion 1

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***The body is so constituted, managed and controlled as to be expected to act independently, impartially and with complete integrity.***

### Governance and Constitution

1.17 Consumer Scotland is a non-ministerial office. We are independent of government, and we are directly accountable to the Scottish Parliament.

1.18 We lay our forward Work Programme and our Annual Report in Parliament and we give evidence on our performance at the Economy and Fair Work Committee. Our research reports and other outputs are provided to Parliamentary Committees, the Scottish Parliament Information Centre, and the House of Commons Library.

1.19 Our relationship with the Scottish Government is governed through our [Framework Agreement](#), setting out our respective roles and responsibilities. This is published on our website.

1.20 Consumer Scotland is governed by a [board comprising a Chair and four other board members](#), all of whom were appointed by Scottish Ministers. The organisation is led by an [Executive Team](#) comprising the Chief Executive and three Directors, which is accountable to the board (Table 1).

1.21 The Board govern the organisation and work with the Chief Executive and Accountable Officer to provide scrutiny, challenge, advice and strategic direction. Our Audit and Risk Committee advises the Board and Accountable Officer on risk, control and governance and the annual report and accounts.

1.22 Our Advisory Committee on Consumers in Vulnerable Circumstances, which is chaired by a Board member, provides advice to our senior team on our work in relation to consumers in vulnerable circumstances. The minutes from our Board and Committee meetings are published on our website.

1.23 Our staff are civil servants and as such abide by the civil service code of impartiality, objectivity, integrity and honesty.

**Table 1: Consumer Scotland Executive Team and Board, as of April 20225**

Consumer Scotland Executive Team	Consumer Scotland Board
Sam Ghibaldan (CEO and Accountable Officer) – appointed April 2022	David Wilson (Chair) <a href="#">See Board Member Biographies – here.</a>
Sue Bomphray (Director of Operations and Deputy Accountable Officer) – appointed Aug 2022	<i>Lesley Halliday - has now left the Consumer Scotland Board – the position is under review for recruitment.</i>
David Eiser (Director of Research, Analysis and Investigations) – appointed Dec 2022	Nick Martin
Douglas White (Director of Policy and Advocacy) – appointed Oct 2022	Angela Morgan
	James Walker

## Funding

1.24 Our funding comes from two sources.

1.25 Consumer Scotland receives general funding from the Scottish Government’s annual budget, which is approved by the Scottish Parliament. For 2025-2026 our proposed general resource funding is £4.425 million. This includes £950,000 which is allocated to support the Citizens Advice Scotland Consumer Advocacy work plan and £900,000 of grant funding to support Advice Direct Scotland's [consumeradvice.scot](#) service.

1.26 We also receive funding for research and advocacy activity in electricity, gas, heat networks, post and water sectors. This funding is provided via levies, which are derived from consumers’ bills and which are administered by the UK and Scottish Governments.

1.27 We allocate some of this funding to other bodies, including:

- Making a contribution to Citizens Advice to support the Scottish element of their GB-wide consumer advocacy activity in gas, electricity and postal sectors
- Funding for Big Energy Savings ([Worried this Winter](#)), which is delivered by Citizens Advice Scotland
- Supporting campaigns with landscape partners to protect consumers from scams. See for example- [Shut Out Scammers Animation 2024](#)
- From April 2025, funding Advice Direct Scotland and Citizens Advice Scotland to provide Tier 1 and Tier 2 advice to Heat Networks consumers.

- From April 2025, funding the Advice Direct Scotland consumer advice service.

1.28 Our estimated funding requirements for 2025-2026 are set out in Table 2. Please note this is provisional at this stage.

**Table 2: Estimated Consumer Scotland funding, 2025/26 £ million**

Funding source	Amount
Core Scottish Government funding	£4.425
<i>Of which Citizens Advice Scotland Advocacy</i>	£0.950
<i>Of which Advice Direct Scotland consumer advice service</i>	£0.900
Funding from energy levy (DBT)	£1.285
<i>Of which Big Energy Campaign</i>	£0.325
<i>Of which contribution to GB-wide advocacy by Citizens Advice</i>	£0.162
Funding from heat networks levy (DBT)	£0.750
<i>Of which Tier 1 and Tier 2 advice</i>	£0.450
Funding from post levy (DBT)	£0.267
<i>Of which contribution to GB-wide advocacy by Citizens Advice</i>	£0.033
Funding from consumer levy (DBT) -	£0.077
<i>Of which contribution to GB-wide advocacy by Citizens Advice</i>	£0.077
Funding from water levy (Scottish Water)	£0.505

*Notes: some funding lines are provisional*

## Performance Management

1.29 As a Non-Ministerial Office within the Scottish Administration, accountable to the Scottish Parliament, Consumer Scotland is committed to monitoring and being transparent about its performance. The Consumer Scotland Act 2020 requires it to commission an independent review of its performance after its first three years (due in 2025/26) and every subsequent five years.

1.30 Consumer Scotland's Performance Framework is how we measure our functioning as an organisation and the impact that our work has.

1.31 In December 2023, Consumer Scotland published its Performance Framework, setting out how we will measure our performance as an organisation. The Framework comprises four core elements:

- Workstream monitoring
- Impact assessment reviews
- A recommendations register
- Organisational activity indicators

1.32 Further details on any of these elements can be provided on request.



## Further information

**1.33 The following items are attached separately in the email forwarding this document. The CVs should not be published publicly in relation to the application.**

- The CVs [and details of directorships, shareholdings and any other substantial interests in other companies] of Board Members, Chief Executive and three Directors of the organisation
- Our annual reports and accounts for 2022-23 and 2023-24, which include details of the extent of our funding

# 3. Criterion 2

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***The body can demonstrate considerable experience and competence in representing the interests of consumers of any description.***

## Overview

1.34 Consumer Scotland is the independent statutory organisation which represents the interests of consumers in Scotland. Vested in April 2022, it has the statutory functions set out in the first section of this letter, under the Consumer Scotland Act 2020. It also has certain statutory functions under the Consumers, Estate Agents and Redress Act 2007.

1.35 Our purpose is to improve outcomes for current and future consumers.

1.36 Our [Strategic Plan](#) was published in March 2023 and sets out our strategic objectives to:

- Enhance understanding and awareness of consumer issues by strengthening the evidence base
- Serve the needs and aspirations of current and future consumers by inspiring and influencing the public, private and third sectors
- Enable the active participation of consumers in a fairer economy by improving access to information and support

1.37 We publish an annual Work Programme, the draft of which is subject to a period of formal consultation, and the final version of which is laid with the Scottish Parliament. Our [Work Programme for 2025/26](#) provides an overview of our recent activities and achievements, sets out our strategic approach, and identifies our planned activities for 2025/26 under four thematic areas:

- Fair and affordable markets
- Investing for the future
- Trustworthy, high-quality services and products
- Consumers at the heart of Scotland's society and economy

1.38 Since coming into existence in April 2022 we have developed a track record of over three years demonstrating experience and competence in representing the interests of consumers. While Consumer Scotland is a relatively small organisation, our staff team has a wealth of knowledge, skills and experience of working in consumer policy and advocacy, research and analysis, consumer law, economics and enforcement.

1.39 The rest of this section provides an overview of some of the work we are involved in to represent the interests of consumers. In the following chapter, on Criteria 3, we provide examples of our work which more specifically demonstrate our capability to put together reasoned super-complaints.

## Creating an accessible and streamlined information and advice support network

1.40 As the statutory leader for the consumer sector in Scotland, we are committed to creating an accessible and streamlined information and advice support network for consumers that prevents duplication and delivers value for money.

1.41 We have a strategic role in funding and coordinating consumer advice and advocacy in Scotland. In particular:

- Consumer Scotland now funds the [consumeradvice.scot](https://consumeradvice.scot) service delivered by Advice Direct Scotland. This partnership allows us to better align our strategic advocacy with the delivery of advice services.
- We are funding the delivery of Citizens Advice Scotland's 2025-2026 consumer advocacy workplan. This funding partnership will ensure the work of our respective organisations is complementary, streamlined and value for money.
- We are also funding Citizens Advice to ensure the interests of Scottish consumers are represented in GB-wide decision making for energy and post matters, removing the risk of duplication across GB

1.42 As the statutory consumer advocate for Heat Network consumers, we successfully led the establishment of Scotland's consumer advocacy and advice system for heat networks, which went live in April 2025. We have established grant agreements with Advice Direct Scotland and Citizens Advice Scotland to deliver Tier 1 and Tier 2 advice and have established our own team to deliver the statutory advocacy function. We have contributed to key Ofgem consultations to design heat network regulation, putting forward the consumer perspective on key issues including the authorisation and oversight regime and the framework for consumer protection. We wrote to the Cabinet Secretary, recommending the establishment of a heat network efficiency remediation scheme, to ensure that consumers in Scotland are not in a weaker position than their peers in England and Wales.

1.43 Consumer Scotland has a statutory requirement to ensure the operation of a publicly available database of recalls of goods in Scotland. We have worked closely with the Office of Product Safety Standards to support delivery of a joined-up

approach to the provision of a recall of goods register. Consumer Scotland wants to ensure the journey for consumers seeking assistance with recalled goods is streamlined and straightforward and to deliver best value for money in the use of public funds. We have worked closely with the OPSS to raise awareness of the UK database and have developed a joined-up communications plan.

## Evidence-led research, insight and recommendations

1.44 Our policy recommendations and advocacy is underpinned by robust, evidence-led research and analysis, befitting our status as a statutory and independent body.

**The following chapter (evidencing Criteria 3) provides specific examples of completed research and advocacy outputs that are delivering tangible outcomes for consumers**, in areas as broad as water charging, changes to the post universal service obligation (USO), uptake of electric vehicles, technological changes in telecommunications, changes to legal services regulation, dynamic pricing, and changes to electricity metering.

1.45 Further examples of key recent and ongoing activities include the following.

- **Supporting the transition to net zero.** As part of our statutory duty to promote environmentally sustainable consumption, we have delivered a wide-body of research on consumer attitudes to the transition to net-zero, and its perceived implications. This research has included largescale quantitative consumer surveys, and in-depth qualitative research with consumers in a range of markets. This has culminated in the recent [publication](#) of a framework to help policymakers, regulators and businesses make it easier for consumers to engage in the transition to net zero and the adaptation to climate change.
- **Investigating consumer harms.** The Consumer Scotland Act provides us a function to investigate sectors or practices which cause, or may cause, harm to consumers. Our investigation reports must be provided to Scottish Ministers. Our first investigation examines consumer harms in the market for energy efficiency and renewable energy products. The report, which involved a Call for Information and extensive analysis of evidence makes nine key recommendations aimed at both Scottish and UK governments. It was [published in June 2025](#) and its outcomes featured heavily on national Scottish media.
- **Securing the consumer voice in regulatory decision-making.** We agreed a Memorandum of Understanding with Scottish Water and the Water Industry Commission for Scotland to inform our collaborative working during the Strategic Review of Charges for water for 2027-2033. As a key part of this MOU, Consumer Scotland will undertake in-depth deliberative research with consumers to consider Scottish Water's draft business plan for 2027-33 and determine if this plan commands consumer support. This innovative, direct consumer involvement in this type of regulatory decision-making is one of the most advanced levels of involvement that consumers have had in a major

regulatory process for utilities in the UK. The deliberative research will be augmented by a stronger role for Consumer Scotland in the challenge and scrutiny process for SRC, with Scottish Water's Independent Customer Group being accountable to the Consumer Scotland Board for the work they undertake on scrutiny during the SRC process.

- **Supporting consumer interests in energy.** We continued to be a proactive statutory voice for energy consumers in Scotland, providing our evidence and advice on a wide range of issues to governments, regulators and parliaments. Our work on disabled energy consumers helped to shape key proposals in the Scottish Government Working Group's final report on a social tariff. During the past 12 months we have provided expert input to proposals on issues including: expansion of Warm Homes Discount; standing charges; a proposed debt relief scheme; debt standards; the use of smart energy data; regulation of TPIs; future price protections.

1.46 The examples above are necessarily highlights of some of our recent and ongoing work within some of the sectors that we advocate for consumer outcomes within.

## A unified consumer voice

1.47 Working in partnership across the consumer sector, we aim to create a unified voice for consumers in Scotland

1.48 **We deliver and chair [the Consumer Network for Scotland](#), leading the landscape of organisations that represent consumer interest in Scotland.** Network meetings in 2024-25 included contributions from the Financial Conduct Authority, Ofcom, the Federation of Small Businesses, the Advertising Standards Agency, Joseph Rowntree Foundation, Citizens Advice Scotland and Trading Standards Scotland, as well as Consumer Scotland. Issues the Network covered during the year included energy debt, consumers and poverty, small businesses as consumers, the reform of the UK postal service, rural consumers, technology and vulnerability, sustainability, and communication with consumers. We have continued to widen the Network's membership, with the Communications Consumer Panel and the Advertising Standards Agency now Network members.

1.49 We represent consumers' interests in **multiple advisory, strategy and governance forums across a range of different markets in the Scottish economy.** This includes, for example, our membership of the Scottish Government's Regulatory Review Group, the UK Consumer Protection Partnership, the Scottish Anti-illegal Trade working group, the BSI Consumer Forum, the UK Finance Consumer Advisory Panel, the Scottish Debt and Fraud Review Board, the Scottish Legal Complaints Commission Consumer Panel, the Home Report Review Group and the Trading Standards Scotland Governance Board.

1.50 We continued to provide leadership to consumer bodies in the energy sector in Scotland, through our convening of the Energy Consumers Network, which met a regular basis and which informed the engagement of members with government,

parliament, the regulator and energy companies. We were active members of the Scottish Government Expert Group on an Energy Social Tariff and the UK Government Expert Group on Energy Data Sharing.

1.51 We are representing consumers in Scotland in the **strategic review of Ofgem** being undertaken by the UK Government. Following our written evidence on this issue, our Chief Executive was invited to participate in the small expert group providing advice to the UK Government Minister on the review.

1.52 We advocate for consumers on specific issues as and when they arrive. For example, we have formally raised concerns with the Scottish Government, Scottish Parliament Equalities Human Rights and Civil Justice Committee, the Lord President and the Law Society for Scotland about the ongoing difficulties being experienced by consumers of the collapsed legal firm McClures. In response, the Law Society has improved the visibility of their consumer information on this issue following a specific request from us to do so. We wrote to Jones Whyte, the firm that have taken on McClures' former clients to seek their commitment that consumers in Scotland will be provided with the same speed of response as those in England and Wales, despite not being covered by the same regulatory protections. We have secured the firm's written commitment to do so.

## Enhancing understanding and awareness of consumer issues across the Scottish public sector

1.53 We have a statutory duty to **publish guidance for public authorities in Scotland on the implementation of the consumer duty**. Our guidance is supporting public bodies take account of consumers in their strategic decisions, achieve better value for money and inspire greater level of trust and confidence in the public sector amongst consumers. The final version of the guidance was published in February 2025 following a public consultation on our previously published draft guidance. We have delivered information sessions for consumer groups and small businesses on how they can use the duty to influence decision-making within the public sector.

## 4. Criterion 3

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***The body has the capability to put together reasoned super-complaints on a range of issues***

### Overview

1.54 Consumer Scotland has substantial experience of producing objective, evidence-led reports and papers to make the case for interventions that support consumers' wellbeing.

1.55 In this section, we outline some recent examples of our work relating to:

- The uptake and rollout of electric vehicles
- The impacts of changes to the USO for postal services
- The impact of the rollout of Voice Over Internet Protocol (VOIP) technologies on consumers in vulnerable circumstances
- Advocacy activity in respect of the Regulation of Legal Services (Scotland) Bill
- The risks to consumers associated with the switch-off of the Radio Teleswitch Service (RTS)

1.56 Additionally, we have provided two examples which provide more detail of our expertise in relation to economic analysis:

- Economic modelling of the distributional and cost impacts of changes to water and sewerage charges
- Analysis of the consumer impacts of dynamic pricing

### Consumer experiences of purchasing and using electric vehicles

1.57 In August 2024 we published new research on [consumers' experience of using Electric Vehicles \(EVs\)](#). This was mixed-methods research that combined quantitative surveys of both EV drivers and potential EV-users with qualitative research with EV drivers to understand key issues on a more nuanced basis. The research had a broad focus on the entire consumer journey, including purchasing, using and charging.

1.58 Our report highlighted inequalities in access to EV-charging infrastructure, and issues around maintenance and repair of EVs, and in relation to information provided in advance of EV purchase.

1.59 We took forward our findings in collaboration with key stakeholders including Transport Scotland, delivering two stakeholder roundtables to agree a shared future approach to address key issues for consumers on charging, information and repairs. Transport Scotland subsequently committed, in its EV Public Charging Implementation Plan, to establishing a consumer stakeholder group to advance these matters, in partnership with Consumer Scotland.

## Highlighting impacts of the VOIP rollout

1.60 We were concerned that the migration of consumers from the traditional landline telephone network to Voice over Internet Protocol (VoIP) technology may disproportionately impact some consumers in Scotland, and that some consumers were not fully aware of the change and its potential impact.

1.61 For most customers, switching to VoIP should be straightforward and they will continue to receive what they recognise as a traditional phone service. However, VOIP landlines will not work in a power cut without additional backup systems being put in place. This in turn affects the operation of any devices linked to landlines such as telecare alarms.

1.62 In 2023 we [published](#) the results of in-depth analysis of Scotland-specific data from research by Ofcom's Communications Consumer Panel into the specific impacts on consumers.<sup>8</sup> Our report, based on this analysis, highlighted some disproportionate risks to consumers in Scotland, particularly those in remote and rural areas that affect the likely ability of consumers in Scotland to make calls in the event of a power cut.

1.63 Our report made recommendations to telecommunications providers, Ofcom and the UK and Scottish governments on how these risks could be reduced, including recommending additional measures to protect consumers in vulnerable circumstances and improving public awareness. Following on from this we engaged directly with BT, Openreach and Virgin Media O2 to monitor and seek to influence their migration process. We [wrote to](#) the UK and Scottish Government in March 2024 and December 2024 to highlight the risks to some consumers in Scotland.

1.64 We are pleased that BT has subsequently delayed the switchover date by two years to 2027; while the UK Government has committed to a national communications campaign on the switchover, focused on telecare users. This will launch in spring 2025. New guidance from the UK Government that providers must comply with on non-voluntary migrations also addresses a number of concerns that Consumer Scotland raised. We have also engaged with BT, Openreach and Virgin Media O2 directly to influence the design of providers' engagement programmes in Scotland and their approach to identifying consumers who may need support with migration. Our work on this issue has attracted significant media interest, including two front page news stories in the Scottish press and has been cited in Parliament.

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<sup>8</sup> Consumer Scotland (2023) *Consumers in Scotland and the transition to VOIP*. Available at: <https://consumer.scot/media/dztly3f2/consumers-in-scotland-and-the-transition-to-voip.pdf>



## Assessing the impacts of changes to the USO for postal services

1.65 We [delivered](#) substantial work to represent the interests of consumers in Scotland in the work being undertaken by Ofcom on the **future of the universal postal service and potential changes to the universal service obligation**.

1.66 At the heart of this, we submitted a detailed response to the regulator's Call for Input, which drew on a wide body of evidence. This evidence included:

- Qualitative research with low income consumers in rural Scotland to understand their use of postal services and implications of reform options
- Quantitative survey research with 1,000 consumers in Scotland to assess their attitudes to proposed changes to the USO
- In-depth analysis of the Living Costs and Food Survey to understand consumers actual usage of postal services, and the affordability of those services
- Stakeholder engagement with key groups in Scotland.

1.67 Our report recommended a stronger, more systemic approach to assessing the impact of any potential changes to the USO on consumers, particularly those in vulnerable circumstances. We recommended that protections around affordability and reliability should be at the heart of any future USO, and that the relationship between consumer priorities and decarbonisation should be strengthened in Ofcom's approach. We continued to engage regularly with UK Government, Ofcom, Royal Mail and other consumer organisations during this process.

## Advocating for better consumer outcomes in the Regulation of Legal Services (Scotland) Bill

1.68 We have undertaken extensive bilateral and multilateral engagement with the Scottish Government and other partners on the **Regulation of Legal Services Bill**. We published findings from [research](#) into consumers' use and perceptions of legal services, a [briefing](#) in advance of the Bill's introduction, a [briefing](#) to MSPs ahead of Stage 2 of the Bill, and a [briefing](#) to MSPs ahead of stage 3 of the Bill (which takes place on 20 May).

1.69 Through this work, and our stage 2 briefing in particular, we have made a series of recommendations designed to improve the Bill on behalf of consumers. We have also been an active member of the Scottish Legal Complaints Commission Consumer Panel. Through this work we have advocated for, and helped secure, amendments that will bring about a number of improvements in the Bill that will benefit consumers in Scotland. These include:

- a new role for the Scottish Legal Complaint Commission's independent consumer Panel to look at legal services generally, and commission research into consumer issues, rather than only focusing on complaints.
- provision for the Lord President to conduct a review of any legal regulator's performance on their own initiative and that they should have to provide

reasons for not acting on a request for such a review. We have also successfully advocated for a time limit for professional regulatory organisations to respond to any initial notification regarding issues that may result in a review taking place.

- information gathering powers for the Lord President have also been provided along with a clause allowing the Lord President to consult such other bodies as they consider appropriate (including consumer bodies)

## Protecting consumers at-risk from the Radio Teleswitch Service

1.70 We have played a key role in the consumer sector in Scotland in engaging with the problems for consumers presented by **switch off of the Radio Teleswitch Service (RTS)**. Consumer Scotland presented analysis on RTS meters in Scotland to the Energy Consumers Network and Ofgem and participated in an Ofgem-led summit and subsequent taskforce to agree and then monitor a plan of action. We continue to advocate for urgent action, including consistent consumer communications, a better planned and co-ordinated meter replacement programme and enhanced internet coverage where that would assist. We have provided a number of pieces of media comment to highlight these issues and contributed to Ofgem's consultation on modifications to licence conditions to ensure consumers are treated fairly following the switch off.

## Economic and competition issues

1.71 As an organisation we have in-house experience of economic and competition issues that may arise during the process of developing super complaints, whilst we also have access to wider networks of expertise.

1.72 Our staff include five members with experience of working in consumer-related roles at the CMA and FCA, and a former academic economist with a track record in economic policy analysis for both UK and devolved governments. We also have extensive formal and informal networks of advice and potential collaboration, ranging from our formal networks (such as the Consumers Network) through to our involvement in the Scottish Academics and Regulators Network.

1.73 We highlight below two examples of work which have drawn on economic analysis of various types.

## Modelling the impact of policy change on water poverty rates

1.74 In October 2024 we published major [new research](#) examining trends in water poverty rates in Scotland, and examining the scope of policy change to reduce water poverty.

1.75 Our analysis used micro-simulation modelling to forecast the trend in water poverty into future years, given alternative paths for household income growth and

the increase in water charges. Following this, we used microsimulation modelling techniques to examine how various policy changes (such as varying the rate of the Water Charges Reduction Scheme or the Single Person status discount) would affect the number of households in water poverty, and the characteristics of those households. Our analysis was able to assess the costs of different policy options, and consider how these would be funded within the existing charging structures.

1.76 On the basis of this work, we called for an increase in the Water Charges Reduction Scheme, and the scoping of a ‘by-application’ scheme to operate alongside automatic affordability policy.

1.77 We have engaged stakeholders closely in this work, which is informing the ongoing Strategic Review of Charges which will determine water charging policy in Scotland for 2027 – 2032.

## **Exploring the impact of dynamic pricing on consumers**

1.78 Following the public attention on dynamic pricing brought about by the Oasis/Ticketmaster issues in August 2024, we published a short [briefing note](#) on dynamic pricing and its potential impacts on consumers. The briefing, which is aimed at parliamentarians, media and other interested stakeholders, uses economic reasoning to establish what dynamic pricing is and isn’t, how it may affect consumers in different ways, and how the practice relates to consumer protection law.

The briefing has received some attention from the media, and also the CMA, who used it to inform their ongoing investigation into dynamic pricing.

## 5. Criterion 4

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***The body is ready and willing to co-operate with the CMA, and/or with any other authority, body or person having responsibility for responding to super-complaints. In particular, the body agrees to take account of any guidance issued by the CMA on the making of super-complaints.***

- 1.79 In carrying out its functions, Consumer Scotland is required to have regard to the desirability of working in collaboration with others where appropriate<sup>9</sup>. Taking a partnership approach is central to how we work as an organisation to deliver our strategy and improve outcomes for consumers. Through collaboration with other organisations which have interests and expertise in consumer issues, we seek to maximise the value and impact of our advocacy, research and analysis.
- 1.80 A key aspect of this partnership work is our close working relationship with regulators, including several of those which have responsibility for responding to super-complaints. We convene and facilitate the Consumer Network for Scotland, which brings together key partners in the Scottish consumer landscape and has potential to facilitate improved partnership working and to improve the consumer experience. Key partners in the network include the CMA, Ofcom and Ofgem.
- 1.81 We also work closely with the CMA in particular on an ongoing basis on a variety of issues across markets. This has included providing detailed comment on draft consumer and industry guides and participating in round tables and other workshops. In 2023 we supported the CMA in convening a joint stakeholder conference on the consumer implications of the net zero transition; and in 2024 we supported the CMA in organising and facilitating the annual Scottish Regulators and Academics conference. Our work with the CMA also includes –
- Bilateral meetings between senior leadership in Consumer Scotland and the CMA (Particularly their Consumer and Markets leadership).
  - Regular working-level stakeholder meetings between Consumer Scotland Policy and the CMA Devolved Nations team.
  - Regularly pipeline intelligence meetings between the Consumer Scotland's Investigations team and the CMA's pipeline intelligence team

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<sup>9</sup> Section 7 (3) (b) Consumer Scotland Act 2020

- Occasional teach-in sessions between the organisations – such as ‘brown bag’ lunchtime sessions or CMA ‘Know-How’ talks
- 1.82 As the levy funded consumer advocate for the post and energy sectors, we also work closely with both Ofgem and Ofcom on an ongoing basis on both a formal and less formal basis. Our CEO is currently involved in the Strategic Review of Ofgem.
- 1.83 **We are therefore ready and willing to work and co-operate with the CMA and other regulators with responsibility for responding to super-complaints.**

## 6. Criterion 5

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***The fact that a body has a trading arm will not disqualify it from being designated provided that the trading arm does not control the body; any profits of the trading arm are only used to further the stated objectives of the body; and the body has established procedures to ensure that any potential conflicts of interest are properly dealt with.***

- 1.84 This criterion is not relevant to Consumer Scotland. As a statutory organisation, it does not have a trading arm.

# Attachments

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Sent separately with this application – (attached to the email) are :

- 1. The Curriculum Vitae (CVs) of the Executive Team and Board Members of Consumer Scotland**
- 2. The last two years' audited accounts of Consumer Scotland**

*\* Fulfilling bullets 3 and 4 of the criteria listed under 1.8 and 1.9 of the published guidance.*

[Super-complaints: guidance for bodies seeking designation as super-complainants - GOV.UK](#)