

Appendix 3

Consumer Duty and Fairer Scotland Duty Impact Assessment (CD-FSDIAT) – Care and Support at Home Markets Sustainability Risk Assessment

Please note this form has been drafted with support from Artificial Intelligence Tool ‘CoPilot’ and then sense checked by officers before completion.

Consumer Duty and Fairer Scotland Duty Impact Assessment Tool (CD-FSDIAT)

The Consumer Duty and Fairer Scotland Duty Impact Assessment Tool (CD-FSDIAT) has been developed to ensure that our decision-making processes align with the statutory obligations set out under the UK Consumer Duty Act 2023 and the Fairer Scotland Duty (part of the Equality Act 2010, enacted in Scotland in 2018). This tool supports Dumfries and Galloway Health and Social Care Partnership's commitment to fairness, transparency, and addressing inequalities of outcome.

It is designed to support early-stage consideration of both consumer rights and socio-economic inequalities, ensuring our strategic decisions are shaped by lived experience, rurality, and disadvantage. It complements existing tools such as the Equality Impact Assessment (EQIA), and is integrated into our [Service Review Framework](#) toolkit.

Rurality and Geographic Disparities

Dumfries and Galloway is characterised by significant rural and remote communities. Service changes must consider how people living in rural or island communities may be disproportionately impacted by changes to access, availability, or the mode of service delivery. This includes travel time, digital connectivity limitations, local transport availability, and workforce constraints that may create unintended barriers. These impacts must be assessed in line with the Fairer Scotland Duty and Consumer Duty.

Socioeconomic Factors

Socioeconomic disadvantage is a key driver of health inequality across Dumfries and Galloway. Proposals must take account of how changes may impact individuals and communities experiencing poverty, low income, fuel or food insecurity, precarious employment, or lack of access to support services. These impacts should be considered under the Fairer Scotland Duty and the Consumer Duty, with a focus on mitigating unequal outcomes and ensuring transparency of approach.

Health and Social Care Integration

Integrated service delivery and decision-making are core to the Dumfries and Galloway Health and Social Care Partnership. Service planning must reflect the interdependencies across primary care, secondary care, social work, social care, and third sector services. This includes alignment with both Consumer Duty principles (ensuring fair, transparent, joined-up service offers) and Fairer Scotland Duty expectations (addressing unequal outcomes across service interfaces).

Consumer Representation and Engagement

The Consumer Duty requires clear evidence of how consumer views, preferences, and needs have been considered. This includes how individuals, Carers, advocacy groups, and the wider public have been involved in developing or responding to the proposed change. Engagement processes must be proportionate but meaningful, and feedback should inform options appraisal and final decision-making. Representation should include those with lived experience and/or disadvantage - fulfilling the expectations of both Consumer and Fairer Scotland Duties.

Governance and Assurance

This tool supports local governance by aligning with national expectations and our existing assurance processes. It reflects the statutory requirements of the Consumer Duty (UK Consumer Duty Act 2023) and the Fairer Scotland Duty (Equality Act 2010, Part 1, as enacted in Scotland 2018), and aligns with Scottish Government guidance (March 2024 – Mainstreaming Fairer Scotland Duty Across Strategic Decisions). It complements Dumfries and Galloway's Service Review Framework and should be used proportionately to evidence due regard.

Guidance for Use

The tool is designed to support consistent and proportionate use of the Consumer Duty and Fairer Scotland Duty in decision-making. It should be applied at a strategic level in line with national guidance and integrated into early-stage planning of service reviews or proposals that may lead to material change. It is expected that all significant service reviews under the Dumfries and Galloway Service Review Framework will include completion of this tool unless a clear rationale is recorded for not doing so.

Threshold for Use

This tool should be used for all strategic decisions or proposals that may impact population outcomes, access to services, or experience of service delivery. If the tool is not used, the rationale must be clearly documented. A proportionate approach should be taken, but use of this tool is strongly advised for decisions that relate to: service redesign; disinvestment; introduction of new services; policy or procedural changes; or significant access model changes (e.g. digital-first, remote delivery).

Example Scenarios

The following examples illustrate situations where use of the CD-FSDIAT is likely to be required. These include, but are not limited to:

- A significant service redesign that changes access pathways, eligibility, or service delivery models.
- A disinvestment decision that may remove or reduce services used by vulnerable or high-risk groups.
- A digital transformation initiative that replaces face-to-face contact with online platforms.
- Any service planning or strategic redesign that may result in different outcomes for different population groups based on geography, socioeconomic status, disability, or other protected characteristics.
- Changes to access arrangements that could disproportionately affect individuals who rely on public transport, or face digital exclusion.

The following are examples where use of the CD-FSDIAT may not be required. However, consideration should still be given to whether any aspects of the tool are relevant or if a short summary rationale is needed to document why the tool has not been applied:

- Minor operational service changes that do not alter access, eligibility, or the nature of the service.
- Temporary pilot projects with no anticipated differential impact across population groups.
- Internal or administrative process changes unrelated to service delivery or public-facing functions.
- Projects already subject to extensive engagement, equalities analysis, and assurance, where cumulative impacts have been clearly documented.

Integration with Local Governance Frameworks

This tool has been developed to support assurance, decision-making, and governance across both the Integration Joint Board (IJB) and NHS Board Management Team (BMT). It aligns with our internal Service Review Framework and supports consistent application of duties across all strategic and operational reviews. Use of this tool should be clearly linked to existing local assurance and decision-making structures. This includes, but is not limited to, the Service Planning Framework (SPF), the Making Difficult Decisions Framework (MDDF), and their associated tools such as the EQIA the Public Health and Health Inequalities Impact Assessment, the Cumulative Impact Tool, and the Consumer Duty and Fairer Scotland Duty Impact Assessment Tool (this tool). This alignment enables transparent application of duties and strengthens accountability for decision-making across the system.

Review and Development

This tool will be subject to periodic review by the Corporate Services Directorate to ensure its ongoing relevance and alignment with national legislation, local priorities, and feedback from users. Any proposed revisions will be discussed with the

appropriate governance leads and shared with service leads across the partnership to ensure understanding and uptake.

Alignment with National Frameworks

The tool reflects legal duties under both the Consumer Duty (UK Government) and the Fairer Scotland Duty (Scottish Government). It is also informed by guidance from:

- [The Scottish Government's 'Fairer Scotland Duty: Guidance for Public Bodies' \(2021\)](#)
- [The Scottish Government's Consumer Duty legislation \(2023\)](#)
- [Audit Scotland's reporting on inequalities, service access and transformation](#)
- [The Scottish Approach to Service Design and Public Sector Reform](#)

Alignment with Local Frameworks

This tool aligns with the Dumfries and Galloway Health and Social Care Partnership's local frameworks, strategic priorities, and values. Its use supports robust, transparent application of national statutory duties in a local context and complements established approaches such as the EQIA, the Public Health and Health Inequalities Impact Assessment, and the Service Review Framework and its associated tools.

Use of this tool contributes to enhanced governance, assurance, and audit readiness across both the Integration Joint Board (IJB) and NHS Board structures, promoting consistency of practice and supporting proportionate responses to local need.

Service Review Framework

Consumer Duty and Fairer Scotland Duty Impact Assessment Tool (Aligned with the Consumer Scotland Act 2020 and Fairer Scotland Duty)

Complete the table below to assess the potential impact of this proposal on consumers and to identify inequalities, in line with both the Consumer Duty and the Fairer Scotland Duty.

1. Decision Overview

Decision Title: [Insert decision name]
Care and Support at Home Markets Sustainability: Preliminary Risk Assessment
Date: [Insert date]
7 October 2024
Responsible Team/Lead: [Insert name]
Viv Gration, Deputy Head of Strategic Planning and Commissioning
Strategic Context: [Brief summary of the decision and its intended outcomes]

The assessment evaluates the sustainability of CASH markets in Dumfries and Galloway, identifying risks to service continuity and proposing mitigation strategies.

Public Authority / Body: [Specify which public authority or body is making this decision, confirming that this applies beyond local authorities]

Dumfries and Galloway Health and Social Care Partnership

2. Consumer Impact Considerations

What are the potential impacts on consumers in Scotland (including vulnerable groups)?

Vulnerable groups, especially in rural areas, may face reduced access due to workforce shortages, transport limitations, and digital exclusion.

Does this decision mitigate any potential harm to consumers?

Proposals include flexible commissioning, non-financial supports, and community-based alternatives to reduce reliance on paid care.

How does the decision address or reduce inequalities in consumer access and outcomes?

Focus on supporting unpaid carers, promoting digital inclusion, and integrating third sector support to address socioeconomic disparities.

Does this decision align with the Fairer Scotland Duty and Consumer Duty principles?

The decision aligns with both the Consumer Duty and Fairer Scotland Duty by prioritising fairness, transparency, and inclusive service design.

3. Assessment of Consumer Impact

(Rate each area: High / Medium / Low impact and provide rationale)

Decision Impact Area	Rating	Rationale
Accessibility (Geographic, Digital, Socioeconomic Disadvantage)	High	Rurality, digital exclusion, and poverty create barriers to access
Affordability and Financial Impact	Medium	No rate uplift and rising costs may affect provider viability.
Quality and Safety of Service/Product	Medium	Risk of provider failure could impact service continuity.

Transparency and Consumer Understanding	Medium	Ongoing engagement and reporting mechanisms are in place.
Inclusion of Diverse Consumer Groups	High	Specific efforts to include carers, third sector, and disadvantaged groups.
Environmental or Social Impact (if applicable)	Low	Limited direct environmental impact; social impact addressed via mitigations.

4. Measures to Mitigate Consumer Harm

What specific steps can be taken to reduce negative consumer impact or harms?
<ul style="list-style-type: none"> Support flexible commissioning and collaborative working. Facilitate access to training and shared resources.
Are alternative models or approaches available to achieve better consumer outcomes, particularly for those experiencing disadvantage or inequality?

5. Monitoring, Assurance, and Reporting

How will ongoing compliance with Consumer Duty and the Fairer Scotland Duty be monitored?
Compliance monitored through performance management framework, contract monitoring.
What indicators will be tracked to evaluate consumer impact and socioeconomic outcomes?
Indicators include service access, missed visits, staff turnover, and consumer feedback
What assurance processes are in place (e.g., audits, feedback loops, equality monitoring)?
Assurance through contract monitoring, EQIA, and governance reporting to IJB
How will this be reported to governance structures (e.g., Board, HSCP)?
Through Contract Management Group, Health and Social Care Partnership and IJB

6. Decision Outcome & Next Steps

Final Recommendation: [Proceed / Modify / Reassess]
Proceed with proposed mitigations and ongoing market assessment.
Key Actions & Timeline: [List of actions to be taken, including specific actions required to meet Consumer Duty and/or Fairer Scotland Duty obligations]
Continue development of the market sustainability tool, engage stakeholders, and integrate findings into strategic planning.
Approval & Governance: [Who has reviewed and approved the assessment]
Reviewed by Commissioning Team and approved by SPDCC