## Appendix 2

**Consumer Duty and Fairer Scotland Duty Impact Assessment (CD-FSDIAT) – Refreshing the Strategic Planning Group**

**This draft assessment has been prepared with support from the Artificial Intelligence Tool 'Copilot'. Officer review and approval remain to be confirmed before finalisation.**

Draft assessment, 16 November 2026. Evidence: 'Refreshing SPG (draft 0.1)', the transition workshop slides for 26 November 2026 and the accompanying draft EQIA. The workshop has not yet taken place. No completed engagement findings, verified membership profile, individual participation-needs assessment or confirmed participation-support budget are supplied. Benefits and risks below are assessment judgements to test, not demonstrated outcomes. This assessment covers SPG's membership, participation, working arrangements and influence; it does not assess or approve future service changes.

The Consumer Duty and Fairer Scotland Duty Impact Assessment Tool (CD-FSDIAT) supports consideration of two distinct duties. The consumer duty under Part 2 of the Consumer Scotland Act 2020 requires relevant public authorities, when making strategic decisions, to have regard to the impact on consumers in Scotland and the desirability of reducing harm to them. The Fairer Scotland Duty under Part 1 of the Equality Act 2010, in force in Scotland since 1 April 2018, requires due regard to the desirability of reducing inequalities of outcome caused by socio-economic disadvantage when making strategic decisions. This tool supports fairness, transparency and an evidenced record of that consideration.

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 and a proportionate record of consideration under the Consumer Scotland Act 2020 and the Fairer Scotland Duty. Consumer Scotland's consumer duty guidance and the Scottish Government's Fairer Scotland Duty guidance should inform its use. Completing a form does not itself demonstrate compliance: decision-makers must consider the evidence, alternatives, remaining harms and inequalities, and record how these affect the decision. Publication arrangements should be confirmed through governance, with personal information protected.

## 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 examples below require screening rather than automatic exemption. Record whether the decision is strategic, its relevance to consumers and socio-economic inequalities, and why a fuller assessment is or is not needed. A temporary pilot or absence of differential impact does not alone remove consumer considerations. Existing engagement or other impact assessments may provide evidence, but do not replace consideration of either duty.

- 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 the consumer duty under the Consumer Scotland Act 2020 and the Fairer Scotland Duty under Part 1 of the Equality Act 2010. It is informed by guidance from:

- The Scottish Government's 'Fairer Scotland Duty: Guidance for Public Bodies' (2021)

- Consumer Scotland's guidance on meeting the consumer duty, including impact assessment

- 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: |
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| Refreshing the Strategic Planning Group (SPG) |

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| Date and Status: |
| Draft prepared 16 November 2026, ahead of the SPG workshop on 26 November and committee consideration on 1 December 2026. |
| Responsible Team/Lead: |
| Viv Gration, Strategic Commissioning Manager (report author). Proposed action coordination with meeting support, governance/equality advisers and relevant budget holders; detailed responsibilities to be agreed. |
| Strategic Context: |
| The proposal retains SPG's statutory role in shaping and reviewing the IJB Strategic Plan and develops an ongoing forum for communities, people using support, unpaid carers and third-sector, independent-sector and statutory partners to influence commissioning and Delivering Change while choices remain open. Proposed contributions include testing evidence and outcomes, connecting housing, support and care, exploring prevention alongside current care needs, and bringing local strengths and differences into regional priorities. Members' views will inform revised purpose, membership, chairing, Terms of Reference and working arrangements. SPG advises through the Strategic Planning, Finance and Commissioning Committee and onward to the IJB within their respective remits; formal decisions and appointments remain with the appropriate bodies and delivery with programme and service leads. This paper approves no service changes, investment or eligibility changes and assumes no immediate savings from prevention. |
| Public Authority / Body: |
| Dumfries and Galloway Integration Joint Board (IJB), with consideration through its Strategic Planning, Finance and Commissioning Committee on 1 December 2026. NHS Board and Council retain their respective responsibilities. |

## 2. Consumer Impact Considerations

| What are the potential impacts on consumers in Scotland (including vulnerable groups)? |
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| Earlier, supported input could make strategic advice more responsive to people's experience, access barriers and local circumstances. The immediate effects concern participation and influence, not changes to care or charges. Risks include missing voices, inaccessible papers or meetings, unequal influence, participation costs and uncertainty about what SPG can change. People experiencing low income, rural travel barriers, digital exclusion or caring pressures may be less able to contribute unless support is agreed. These are potential effects, not findings from completed engagement. |

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| Does this decision mitigate any potential harm to consumers? |
| The proposed safeguards could reduce harm if implemented: involve members before options close, check membership and missing perspectives, ask privately about participation needs, provide accessible preparation and verbal or written input, and record concerns and disagreement. Clear boundaries distinguish strategic advice from formal decisions and operational delivery. A response explaining what happened to SPG advice, shared back with communities and partners, could reduce tokenism. Support, resources and feedback responsibilities remain to be confirmed; harm cannot yet be treated as resolved. |
| How does the decision address or reduce inequalities in consumer access and outcomes? |
| The refresh could bring evidence of low income, participation costs, transport, connectivity and unequal access into strategic choices earlier. Place-based discussion should test how needs, community strengths and barriers differ, what should be consistent across Dumfries and Galloway and where a different response is appropriate. Socio-economic disadvantage should be considered explicitly, not inferred from rurality or stakeholder membership. The supplied papers do not yet demonstrate reduced inequalities. Further input from people experiencing disadvantage, a record of how it changes advice and proportionate assessment of future proposals are needed. |
| Does this decision align with the Fairer Scotland Duty and Consumer Duty principles? |
| The proposed direction is consistent with considering consumer interests, reducing harm and addressing inequalities of outcome caused by socio-economic disadvantage. This is not a conclusion that either duty has been discharged. Before final approval, decision-makers should consider the engagement findings, participation barriers, options for support, remaining harms and evidence gaps, and record how these affect the arrangements. This assessment and the EQIA are complementary; neither replaces wider engagement or assessment of subsequent service, commissioning or resource decisions. |

**3. Assessment of Consumer Impact**

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

Provisional qualitative ratings indicate the significance of potential effects requiring attention, not measured benefits, likelihood scores or residual risk after mitigation. They relate to the SPG refresh only and should be reviewed after the workshop. High participation significance does not imply a high direct impact on existing services.

| Decision Impact Area | Rating | Rationale |
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| **Accessibility** (Geographic, Digital, Socioeconomic Disadvantage) | **High** | High significance for participation: travel distance, transport, connectivity, accessible papers and communication, timing and preparation could determine who can influence advice. No direct service-access changes are approved. Individual barriers and practical support must be established before arrangements are finalised. |
| Affordability and Financial Impact | **Medium** | No changes to service charges or investment are proposed. Travel, data, replacement care, time and lost earnings could nevertheless exclude unpaid participants. Existing planning and meeting support capacity is intended, subject to budget-holder agreement. Participation-support costs are not confirmed; no additional funding is sought and immediate savings are not assumed. |
| Quality and Safety of Service/Product | **Low** | Low direct impact at this stage: the proposal changes strategic participation and advice, not care delivery, eligibility or professional accountability. Earlier challenge using evidence and experience could improve future planning. Any subsequent changes to services require their own quality, safety and impact assessment; SPG does not assume delivery or assurance functions held elsewhere. |
| Transparency and Consumer Understanding | **High** | Members need clarity about what remains open to influence, SPG's advisory role, the committee/IJB route and who delivers change. SLT support, workshop discussion and agreement on essentials |

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| | | do not appoint members or approve final Terms of Reference. Record advice, reasons, conditions and disagreement, then return decisions and explanations to SPG and contributing communities and partners. |
| Inclusion of Diverse Consumer Groups | **High** | Distinct community, service-user, unpaid-carer and partner perspectives are central to the refresh. Check NHS Board and Council nominees, each locality and all prescribed stakeholder groups, alongside perspectives that membership categories may not reach. No individual speaks for everyone. Additional officer roles and a proposed lived experience representative chair do not substitute for required representation or wider engagement. |
| Environmental or Social Impact (if applicable) | **Medium** | Potential social benefit comes from stronger shared thinking, earlier influence and place-sensitive advice on prevention, housing and support. Exclusion or tokenistic engagement could undermine that benefit. No environmental effects are quantified. Meeting and travel arrangements should balance access and practical impacts without making participation digital-only. |

## 4. Measures to Mitigate Consumer Harm

| What specific steps can be taken to reduce negative consumer impact or harms? |
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| Before the workshop, ask privately about accessible papers, preparation, communication, venue, travel, online access, caring commitments and costs; explain confirmed support and offer alternative input where barriers remain. Check representation and seek absent or missing perspectives. Use plain-language strategic questions, protected discussion time and verbal, written or |

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| private feedback, without requiring disclosure of personal circumstances. Record evidence, uncertainty, dissent and conditions honestly. Before implementation, confirm support resources, membership, chairing, Terms of Reference, governance and two-way feedback responsibilities. Keep individual cases outside strategic discussion and protect personal information. |
| Are alternative models or approaches available to achieve better consumer outcomes, particularly for those experiencing disadvantage or inequality? |
| The paper proposes retaining the statutory SPG and strengthening its wider contribution; it provides no completed comparison of alternative governance models. The workshop will test purpose, membership, chairing and working arrangements, including what to keep, stop and start. Written input, preparation, accessible communication, travel or online options and supplementary engagement can complement meetings, subject to needs and resources. Those options should be tested with members rather than treated as agreed provision. SPG cannot replace wider community engagement or formal consultation. |

## 5. Monitoring, Assurance, and Reporting

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| How will ongoing compliance with Consumer Duty and the Fairer Scotland Duty be monitored? |
| Proposed monitoring is through a membership/locality coverage check, participation-support action log, accessible feedback and a record of SPG advice and decision-makers' responses. The Strategic Commissioning Manager should coordinate this with meeting support, governance/equality advisers and budget holders, subject to agreement. Update this assessment after the workshop and before final approval. Agree a review point before implementation; the draft EQIA proposes a review within six months. Escalate exclusion or unmet support needs sooner. These arrangements provide evidence for consideration, not an automatic assurance of compliance. |
| What indicators will be tracked to evaluate consumer impact and socioeconomic outcomes? |
| Proposed indicators: locality and stakeholder coverage and unresolved gaps; participation-support requests met or outstanding; feedback on preparation, access, confidence to contribute and whether input mattered; evidence that transport, low income, data or caring costs informed arrangements; changes to advice arising from community experience; and whether decisions and reasons were returned to SPG and contributors. Agree baselines, responsibilities and review dates. Attendance alone does not demonstrate influence or reduced inequalities. Population or service outcomes require separate measures for future proposals. Any personal monitoring should be voluntary, proportionate and privacy-protecting. |
| What assurance processes are in place (e.g., audits, feedback loops, equality monitoring)? |

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| The supplied paper requires governance/legal checks on membership, chairing, reporting and Terms of Reference against the statutory framework. This assessment and the EQIA remain draft. Proposed assurance includes officer review, confirmation of participation resources, a transparent advice-and-response record, review of evidence gaps and accessible feedback on experience. Named reviewers, approval dates, publication arrangements and the implementation review date remain to be confirmed. Workshop attendance or statutory membership alone does not establish equitable influence. |
| How will this be reported to governance structures (e.g., Board, HSCP)? |
| Members' views from 26 November 2026 will be reported verbally to the Strategic Planning, Finance and Commissioning Committee on 1 December. Distinguish support, conditions, dissent, missing perspectives and outstanding work. Revised arrangements will proceed through the appropriate governance process, with formal IJB appointments and approvals as required. Confirm the exact reporting route before final Terms of Reference. Allocate responsibility for obtaining decisions and reasons and sharing them back with SPG, communities and third-sector, independent-sector and statutory partners. |

## 6. Decision Outcome & Next Steps

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| Draft Recommendation: |
| Proceed to discussion and further development, with conditions; reassess before final approval and implementation. Potential benefits depend on supported participation, appropriate representation and visible influence. The evidence does not yet establish that barriers or adverse impacts have been addressed. This is not approval of final Terms of Reference, appointments, service changes or investment. |
| Key Actions & Timeline: |
| Proposed actions and responsibilities for agreement:<br>• Before 26 November 2026: workshop lead and meeting support to establish access, preparation and cost barriers privately, confirm available support and offer alternative input.<br>• At and after the workshop: workshop lead and governance support to record views on purpose, priority contributions, boundaries, working principles, membership and the proposed chair; check locality and stakeholder coverage and obtain missing perspectives.<br>• Before approval and implementation: Strategic Commissioning Manager, governance/equality advisers and budget holders to confirm eligibility, support resources, reporting, chairing and Terms of Reference; seek appropriate IJB appointments and approvals. Name action owners, dates and feedback responsibilities.<br>• At an agreed review point: SPG chair, once appointed, and planning support to test participation experience and influence and report back; the draft EQIA proposes review within six months of implementation. Act sooner if exclusion is raised. Future service or resource proposals require their own proportionate assessments. |

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| Review, Approval & Governance Status: |
| Draft for officer review and committee consideration alongside ‘Refreshing the Strategic Planning Group’. Reviewer, approval name/date and publication arrangements are not confirmed in the supplied material. Complete the assessment following engagement and governance review before final approval and implementation. |