

Consumer Focus Board

Paper 15.1

Title: Memberships and affiliations
Purpose: For decision
Date of meeting: 7 May 2009
Responsible officer: Philip Cullum
Prepared by: Philip Cullum
Attachments: Annex 1: UK Accreditation Service (UKAS)

1. Overview

- 1.1. Consumer Focus is regularly asked to nominate someone to represent the consumer interest on a Board, advisory committee or other body. Less often, we are also asked if we will lend our support to an organisation or initiative by becoming a corporate member or in some way affiliating to it. Alongside all of this, Board members and staff hold positions on a range of other bodies, some but not all of which are connected to consumer policy – these are appointments which would be retained even if the person concerned should leave the Board or employment at Consumer Focus.
- 1.2. Following discussion at the last Board meeting about proposed Consumer Focus membership of the UK Accreditation Service (UKAS), the Board asked for a paper on our approach to memberships and affiliations more generally. Additionally, the Board asked for further details about UKAS, as background to the decision taken in the last meeting to become a member – this information is set out in Annex 1.

2. Action for the Board

- 2.1. The Board is asked to agree the approach proposed in this paper.

3. The key issues

- 3.1. As noted above, Consumer Focus is regularly asked to nominate someone to a body dealing with some matter of consumer policy, and we are very occasionally invited to become a member of a body or affiliate to an organisation, initiative or campaign. Individuals may also be involved in a personal capacity with a body touching on consumer policy. We need an agreed approach, to ensure that we can take a strategic view on which bodies we should connect to formally as an organisation and have clear guidance for individuals about their own memberships. This approach and guidance should cover the following categories:

- a. Individual membership of official body in own capacity, not relating to consumer policy
 - b. Individual membership of official body in own capacity, on a matter relating to consumer policy
 - c. Individual staff or Board membership of official body on behalf of Consumer Focus
 - d. Individual membership of official body on behalf of Consumer Focus by someone other than staff or a Board member
 - e. Corporate support for a campaign or initiative
 - f. Corporate sponsorship or membership of an all-party parliamentary group
 - g. Corporate membership of official or other body.
- 3.2. The first of these is already covered by rules governing staff and Board conduct – so long as the membership is declared (by Board members) and does not bring the organisation into disrepute (for staff members), there is no issue.
- 3.3. The second one is also largely or wholly covered by the same existing rules for staff and Board members. Most Board members have other Board appointments, reflecting their expertise, and we encourage staff to join appropriate external bodies where this would benefit the consumer interest and/or represent a valuable opportunity for personal development, subject to agreement about relative use of Consumer Focus and own time. Examples of such staff involvement include Ed Mayo’s work with Tom Steinberg to produce the highly influential Power of Information report for government and Philip Cullum’s role as chair of the Food Standards Agency advisory committee on consumer engagement – the former was by personal invitation and the latter was through an open recruitment process. Senior staff are also sometimes approached by headhunters to suggest names of suitable candidates for Boards (and indeed senior staff positions), and do so informally where appropriate in order to ensure that key bodies have a high calibre of consumer representatives – but it is always made clear that this does not represent a Consumer Focus endorsement.
- 3.4. The only additional point worth making here is that when staff or Board members are operating in a capacity separate from their relationship from Consumer Focus, and a reasonable observer might assume that the views expressed could represent those of Consumer Focus, the person concerned should take necessary steps to make clear the capacity in which they are acting. This is also important at the point of recruitment: sometimes individuals are approached direct, and it is important to have a clear discussion about the capacity in which the invitation is being offered. If there is any doubt, the matter should be referred to the Head of Secretariat.
- 3.5. This paper now focuses on the remaining five categories.
- 3.6. We regularly nominate staff, Board members or occasionally others to official bodies on behalf of Consumer Focus, and equally regularly turn down such requests on the basis of limited resources, likely low impact and/or the priority afforded to the topic in our forward work programme. This is usually handled at staff level, although we would refer it to the Chair and then if necessary the Board were it to raise an important matter of principle or risk (for example to our reputation), potentially affect an important relationship or have a bearing on the future strategic direction of our work.

- 3.7. The criteria for deciding involvement are those set out in our forward work programme which we use for determining our agenda more generally. Decisions about who would be most appropriate to act as the representative are based on a judgment about necessary seniority, expertise and the nature of the body concerned.
- 3.8. Where an individual is representing our organisation, we expect them to follow agreed policy lines; in turn, they can expect the organisation to provide appropriate support. As a policy advocacy organisation, Consumer Focus has established policy lines and strong internal procedures for ensuring that the views that are articulated on behalf of the organisation represent our collective views. Our approach creates consistency and quality, and provides staff and Board members with certainty and confidence – when an individual represents the organisation, he or she can do so secure in the knowledge that this is done with the full backing of Consumer Focus.
- 3.9. In some instances, Consumer Focus is asked to nominate someone to represent the consumer interest rather than represent our organisation. In such circumstances, we would support the person and expect that they would advance our perspective so far as possible, but we would recognise that this role is not to be a Consumer Focus delegate and might involve some deviation from agreed positions. In such instances, it will be essential for the person concerned to make clear when they are and are not speaking for Consumer Focus.
- 3.10. More generally, it should be acknowledged that being an effective member of a Board or other body requires the individual to do much more than parrot agreed policy line; inevitably members will need to listen to and assess arguments in a more open way. However individuals in such circumstances need to be alive to the possibility of signing up, or being perceived to sign up, Consumer Focus to something. In such circumstances, our agreed processes for the resolution of policy issues apply. If there is any doubt, the matter should be referred to the Head of Secretariat in the first instance.
- 3.11. As well as individual memberships, Consumer Focus is regularly asked to support campaigns and initiatives, and occasionally to become a corporate member of an organisation. Examples of the former include alliances or joint project with other organisations (the National Consumer Council joined the ‘Future Services’ public services initiative with the CBI and NCVO, for instance), or sponsorship with others of a Private Members Bill, as is currently the case with regard to fuel poverty. Such activity is subject to the agreed criteria for decision-making and referral to the Board.
- 3.12. There are a small number of obvious exceptions to this. One is the all party parliamentary group (APPG) on consumer affairs and trading standards. The focus of this group has been broadened in recent times beyond trading standards, and we have agreed with Trading Standards Institute (TSI) that we will share the organisation and administration with them. The all party parliamentary group on energy is another which is likely to prove useful – Energywatch played an active role, and again we consider that we should continue our involvement. The third group which is presently proving valuable given our focus on fuel poverty is the group on warm homes.
- 3.13. There are a small number of obvious exceptions to this. One is the all party parliamentary group on consumer affairs and trading standards, which is run by the

Trading Standards Institute (TSI). The focus of this group has been broadened in recent times beyond trading standards, and TSI are keen for us to play an active role in it. Our view is that we should do so, subject to future review about its reach and impact. The all party parliamentary group on energy is another which might prove useful – Energywatch played an active role, and again we consider that we should continue our involvement. The third group which is presently proving useful given our focus on fuel poverty is the group on warm homes.

- 3.14. Where we are asked to join or affiliate to an organisation more formally, as happened with UKAS, this should always be referred to the Board, with an explanation of not only the potential benefits for consumers but also the nature and purpose of the organisation concerned, the status of our membership within the relevant governance structure and the extent to which this might fetter our ability to take an independent policy line or criticise decisions publicly, and the burden this might place on us in terms of additional workload. Being a formal member of an organisation can give us additional leverage from within, help us to re-focus a body on the consumer interest rather than just businesses, allow us to provide greater legitimacy and status to an organisation whose objectives we support. But this needs to be balanced against the possibility of actual or perceived loss of independence, or of disproportionate demand on our limited resources.

4. Proposal

- 4.1. The Board is asked to endorse the approach set out in paragraphs 4-15 above, and in particular confirm that:
- a. Consumer Focus may join or affiliate formally to external organisations but this must always be by Board decision
 - b. Consumer Focus may join or affiliate to campaigns and initiatives, on the basis of our agreed principles and processes for decision-making on policy and risk
 - c. Consumer Focus should play a role in the all party parliamentary group on consumer affairs and trading standards and a small number of other APPGs, although the presumption more generally should be against active involvement in such groups
 - d. Consumer Focus may nominate people to sit on Boards, committees and other bodies to represent either our organisation or the consumer interest more generally, and that this will usually be handled at staff level subject to our agreed processes for Board referral
 - e. Consumer Focus Board and staff members may sit on other bodies in a personal capacity, some of which may relate to consumer policy, subject to existing rules on transparency and conflicts of interest.

5. Resources

- 5.1. This requires no additional resources.

6. Next steps

- 6.1. If the Board agrees this approach it will be communicated to staff and used to guide our approach to future requests from external bodies.

ANNEX 1: UK ACCREDITATION SERVICE (UKAS)

UKAS was established by Ministers as an independent body in 1995. It is the sole national accreditation body recognised by government in the assessment, against international standards, of those evaluating performance, products and services in both the private and public sectors. In this role, it has an obligation to government to act in the public interest, which is recorded in a Memorandum of Understanding with the Department for Innovation, Universities and Skills (DIUS).

UKAS underpins the credibility and robustness of a wide spectrum of standards and services, including:

- Quality management
- National measurement system
- Drinking water quality
- Environmental management
- Emissions Trading Scheme
- Food safety & quality
- Asbestos testing & surveying
- CORGI gas installers
- Forensic laboratories
- National DNA database
- Charter mark
- Construction products testing
- High speed rail interoperability
- Medical devices
- Product testing
- Occupational health & safety.

Clearly many of these areas are of direct interest to consumers, and the standards enable people to purchase and use goods and services with confidence.

UKAS assesses all accredited organisations annually (unannounced visits are possible), with a full reassessment also taking place every 4 years. It assesses certification companies both at their premises and through witnessed inspections with their customers. This means it covers nearly 2000 laboratories, 145 certification bodies and 170 inspection bodies, as well as 110 notified bodies under EU Directives. In the past 12 months, there have been 27 suspensions and 5 withdrawals of accreditation.

In terms of constitution, UKAS is a non-profit distributing company, limited by guarantee, with 'Members' who in effect act as shareholders. The liability per Member is capped at £1. The Members are:

- Association of British Certification Bodies
- British Retail Consortium
- British Measurement & Testing Association
- Confederation of British Industry
- Chartered Institute of Purchasing & Supply
- Department of Environment, Food & Rural Affairs

- Department of Innovation, Universities and Skills
- Federation of Small Businesses
- Food Standards Agency
- Health & Safety Executive
- Health Protection Agency
- Institute of Quality Assurance
- Local Authorities Coordinating Body on Food & Trading Standards (LACORS)
- Ministry of Defence
- Safety Assessment Federation.

Seven of the fifteen Members represent government departments, regulators and local authority interests – namely, DIUS, DEFRA, MoD, the Health and Safety Executive, the Food Standards Agency, the Health Protection Agency and LACORS. In the past, their involvement has been seen as providing a link of sorts to the ‘public interest’. However UKAS has been increasingly of the view that this does not sufficiently reflect the interest of the users and consumers of goods and services. It is an omission that it wishes to make good, particularly as the role and recognition of National Accreditation Bodies is about to be further strengthened when a new EU Regulation come into effect.

Following the Consumer Focus Board decision, the existing UKAS Membership has formally approved that Consumer Focus should be invited to become a Member of UKAS; this has also been approved by the Secretary of State for Innovation, Universities and Skills. DIUS has commented that our involvement would ‘*give UKAS access to another dimension of customer interest*’ and ‘*not only strengthen the governance of UKAS but also bring a fresh perspective to strategy formulation.*’

Technically, this means that Consumer Focus is invited to become a Nominating Body and, as such, nominates an individual as a Member. The Consumer Focus Chair has decided to nominate Philip Cullum, unless there is a Board member with a particular interest and desire to do this instead. As the Board knows, Suzi Leather is already a UKAS non-executive.