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01 Foreword



Welcome to the Trading Standards Scotland Business Plan for 2024/25. This is the second year that I have had the pleasure of introducing this plan and this year I would like to start by noting that 2024 will mark not only the 10 year anniversary of the TSS team but also the 20th year since the Scottish Illegal Money Lending Unit, which is now part of TSS, was set up.

This year we will make sure we mark both these milestones, celebrating the successes the team has had and the impact that it has made but also exploring how the team can continue to evolve to ensure that it has the maximum impact and responds to the changing context.

The vision for the team remains to create an environment in which consumers can safely make choices and to do that we must consider the impact that rapid changes in technology are having on how consumers interact with businesses and the information that is available to them that influences those choices.

The issues having the biggest impact on consumers do not change year to year and the enforcement priorities for the team will not alter much this year, although the tactics to tackle these priorities will continue to be assessed and developed. Over the past year we have continued to see the cost-of-living crisis exacerbate some of these issues and incidents of fraud continue to rise. This makes it even more important that we continue to work on strengthening the data on what issues consumers are currently facing and communicating with consumers effectively so that they can protect themselves from harm. We have noted that consumers are less likely to complain through channels which result in information coming directly to the team. This has resulted in less intelligence relating to consumer issues that include breaches of consumer legislation. During 2024/25 we intend to work with partners to explore

what the underlying causes of this may be and explore what else we can do to ensure that data showing where and what issues consumers are experiencing is captured in a way that it can be used for both enforcement and prevention work.

This year will see the introduction of the Heat in Buildings Bill to the Scottish Parliament. This legislation will have an impact on everyone that lives in Scotland. For those that own their own homes it will bring requirements to ensure that they make those homes energy efficient. In recent years the energy efficiency retrofit market has proved difficult for consumers to navigate and this has been exploited by rogue traders. The Scottish Government will continue to provide funding to the TSS team so that resource is available to look at this market in a holistic way, working with policy makers to ensure consumers are protected and the market works well, identifying and tackling rogue and problematic traders, ensuring early identification of emerging issues and developing and delivering consumer messaging. Creating consumer confidence to engage in this market is key to ensuring that emissions from homes are reduced.

Over the last year we have seen a continuing rise in consumer fraud and scams. Some of this increase relates to the home improvement market with an increase in traders taking large deposits and then carrying out new work. In some instances, this is a deliberate pre-meditated course of action and as such common law fraud and a matter for Police Scotland. In addition, there has been an increase in businesses who simply become overwhelmed and struggle to meet their commitments. We will continue to work with local trading standards services to ensure that businesses receive appropriate advice and support to prevent consumer detriment.

In most instances the perpetrators of consumer scams are based overseas making it impossible for TSS to take enforcement action. Over the last year we have worked to analyse the data available on the prevalent scams. This has allowed us to identify the most common types, how they are delivered and the impact they have. This data helps to inform our prevention messaging. We will continue to develop this work over the coming year, exploring how we can reach the consumers who are most likely to be targeted by particular types of scams.

Sales of counterfeit goods remain prevalent with a wide range of goods for sale through a variety of outlets. It is becoming increasingly difficult for consumers to recognise which goods are counterfeit and this is particularly problematic where the products can carry with them risks to health and safety. We welcome the decision by the Intellectual Property Office to establish an intellectual property crime coordinator in Scotland and look forward to working closely with them. We also welcome the work being done by the Society of Chief Officers for Trading Standards in Scotland to support local authorities in developing their

ability to undertake online investigations as this is where most counterfeit goods are now offered for sale.

The Scottish Illegal Money Lending Unit was the first national trading standards team to be set up in Scotland back in 2004 and was merged into TSS in 2014. The team was set up in recognition of the seriousness of the impact of this type of lending and the specialist approach that was required to investigate it. Over the last year the team have seen a worrying increase in the level of reporting, this is most likely linked to the cost-of-living crisis and to the contraction of the high-cost credit market, including home lending. Research conducted in 2023 estimates that 7% of the UK population have used or are using illegal lenders. It is vital that the team continue to seek to identify and act against illegal lenders and prevention work to divert people before they resort to using an illegal lender is vital. The funding from His Majesty's Treasury allows us to continue to develop this work and to fund community-based prevention projects close to the people who are most likely to use illegal lenders.

With the Digital Markets, Consumer and Competition Act in place we see important updates and improvements to consumer protection, including a strengthening of the civil enforcement regime. Over the coming year the team will do further work to build the case to establish a central legal resource that will support both TSS and local trading standards teams to make the best use of these new provisions.

I look forward to supporting the team in their work during 2024/25 and ensuring that they continue to develop and seek further ways to reduce detriment and support consumers and legitimate businesses.



Maureen Chalmers

**COSLA Spokesperson for the Community & Wellbeing Board and
Chair of the Trading Standards Scotland Governance Board**

02 Introduction

Trading Standards Scotland is a team delivered by COSLA and funded by UK government to add capacity to local authority trading standards services in Scotland. The team is funded to:

- tackle consumer detriment occurring across local authority boundaries
- provide expertise in cybercrime investigations
- provide national intelligence capability
- undertake investigations into illegal money lending and support initiatives to prevent individuals from turning to this source of lending



03 Governance, Funding and Authorisation

Governance

As part of its funding agreement with COSLA, the Department for Business & Trade and HM Treasury set out the broad functions that they wish TSS to undertake and key performance indicators on which it is to report. These are set out in the Appendix to this Plan. In addition, TSS is accountable to a political Governance Board within COSLA chaired by COSLA's Spokesperson for Community Wellbeing, Cllr Maureen Chalmers. It comprises elected members representing all major political parties in Scotland and representatives from UK Government Department for Business & Trade; SCOTSS (Society of Chief Officers of Trading Standards in Scotland), Consumer Scotland, CAS (Citizens Advice Scotland) and the Energy Retail and Consumers Team of Scottish Government are also invited to meetings of the Board. Being part of COSLA means that Trading Standards Scotland is at the heart of policy development for local government enabling consumer protection issues to be given prominence and be linked to other relevant policy areas such as health and social care, community safety and sustainable economic growth.

Funding

The team is funded, in the main, by the Department for Business and Trade. This grant is provided to enable the team to identify, prioritise and deliver national and regional enforcement in Scotland in relation to fair trading. His Majesty's Treasury provide funding to the team in order to support activity to identify and take enforcement action against businesses and individuals involved in illegal money lending activities in Scotland and to undertake prevention initiatives seeking to limit the use of such lenders. The Scottish Government also provide funding to support a post within the team to specifically take forward work in relation to the energy efficiency sector and to support the delivery of the Scottish Government Heat in Buildings Quality Assurance Policy Statement.

Authorisation

In order to undertake an enforcement role, TSS receives delegated authorisation from Glasgow City Council which it obtains by virtue of the Local Government (Scotland) Act 1973. It engages with local authority trading standards services via the Society of Chief Trading Standards Officers in Scotland (SCOTSS). On a bi-monthly basis regional representatives from SCOTSS attend a Tactical Tasking meeting with TSS management to jointly oversee the work undertaken to tackle cross council border issues and agree whether new referrals to the team meet the threshold for TSS involvement.

04 Working in Partnership

Local Trading Standards Services

The role of TSS is to add capacity to the trading standards delivery system in Scotland and to do this we work closely with local authority services undertaking cross border investigations on their behalf and providing intelligence, equipment and technical services support.

Local trading standards services have a broader role than TSS and provide advice to businesses based in their area and the consumers affected by those businesses with the aim of ensuring that consumer law is complied with. Where necessary they will take enforcement action against those businesses. Where a business is causing widespread harm across multiple local authority areas the matter may be referred to TSS for investigation.

Local trading standards services will also:

- Monitor products placed on the market to ensure they meet safety requirements and will not cause harm.
- Ensure weighing and measuring equipment used for trade is accurate
- Ensure that age restricted products are not sold to children
- Ensure that businesses trade fairly, e.g., not make false or misleading claims; uphold consumer rights; use fair contract terms; treat online buyers well.
- Promote community safety through the safe storage and supply of petroleum and explosives (e.g., fireworks)

TSS will continue to support local authority services in several specific areas including:

- Analysing the data gathered by call blocking devices
- Supporting access to data on potential scam victims
- Providing a library of prevention materials
- Forensic examination of handheld communication devices

Consumer Protection Partnership

TSS represents Scottish trading standards at the UK Consumer Protection Partnership (CPP); the forum through which partners in the consumer landscape come together strategically and operationally to address UK emerging consumer issues. TSS ensures that annual business plans and objectives reflect the wider opportunities and impacts associated with the CPP, and reflect the benefits to partners; and that, where possible, systems and processes are developed with a view to sharing across the partnership, including intelligence and other data.

Trading Standards Policy & Co-ordination Group

COSLA have now set up a group bringing together representatives from Local Government, Scottish Government, UK Government and other relevant bodies to foster strategic leadership of the Trading Standards function across Scotland, effective co-ordination of Trading Standards priorities between Local Government and Scottish Government, as well as across Scottish Government policy areas and recruitment and retention of Trading Standards staff.

TSS are members of the group and in addition are providing the secretarial support.

Consumer Network for Scotland

The network is now well established and has contributed to establishing and fostering close relationships across the consumer landscape in Scotland. A work plan has been agreed for 2024 it includes work to examine the impact that the cost-of-living crisis is having on Scottish consumers as well considering how technology impacts on consumer vulnerabilities.

Scottish Crime Campus

TSS is a partner organisation at the Scottish Crime Campus. A presence at the campus allows us to engage effectively with Police Scotland, HMRC (HM Revenue and Customs), Border Force and other enforcement agencies to share intelligence and participate in multi-agency activity and assist in tackling serious and organised crime.

05 Our Communication Strategies

Social Media

Through our Twitter, Facebook, Instagram, LinkedIn and TikTok accounts we post updates on recently reported scams, consumer protection issues, illegal money lending and ongoing campaigns. We have over 14,000 followers across all social media platforms.

ScamShare Bulletin

Our ScamShare bulletin features information about recently reported scams, consumer issues and partners' campaigns. It reaches over 32,000 consumers weekly and TSS is keen to continue to grow the number of consumers accessing ScamShare over the coming year. ScamShare is also utilised to engage consumers through survey work which is later used to inform campaign development.

Printable Resources

A wide variety of prevention resources are available to download and print via our website, including ScamShare leaflets focusing on common scams and resources about illegal money lending.

Press

Coverage of our campaigns and priority areas regularly appears in local and national press, including newspapers, radio and online news sites.

Partnership Working

TSS has become involved with more direct consumer engagement during 2023/24 as a result of strong partnership working with the likes of Neighbourhood Watch and the University of the West of Scotland. Again, this is something TSS will seek to enhance during 2024/25.

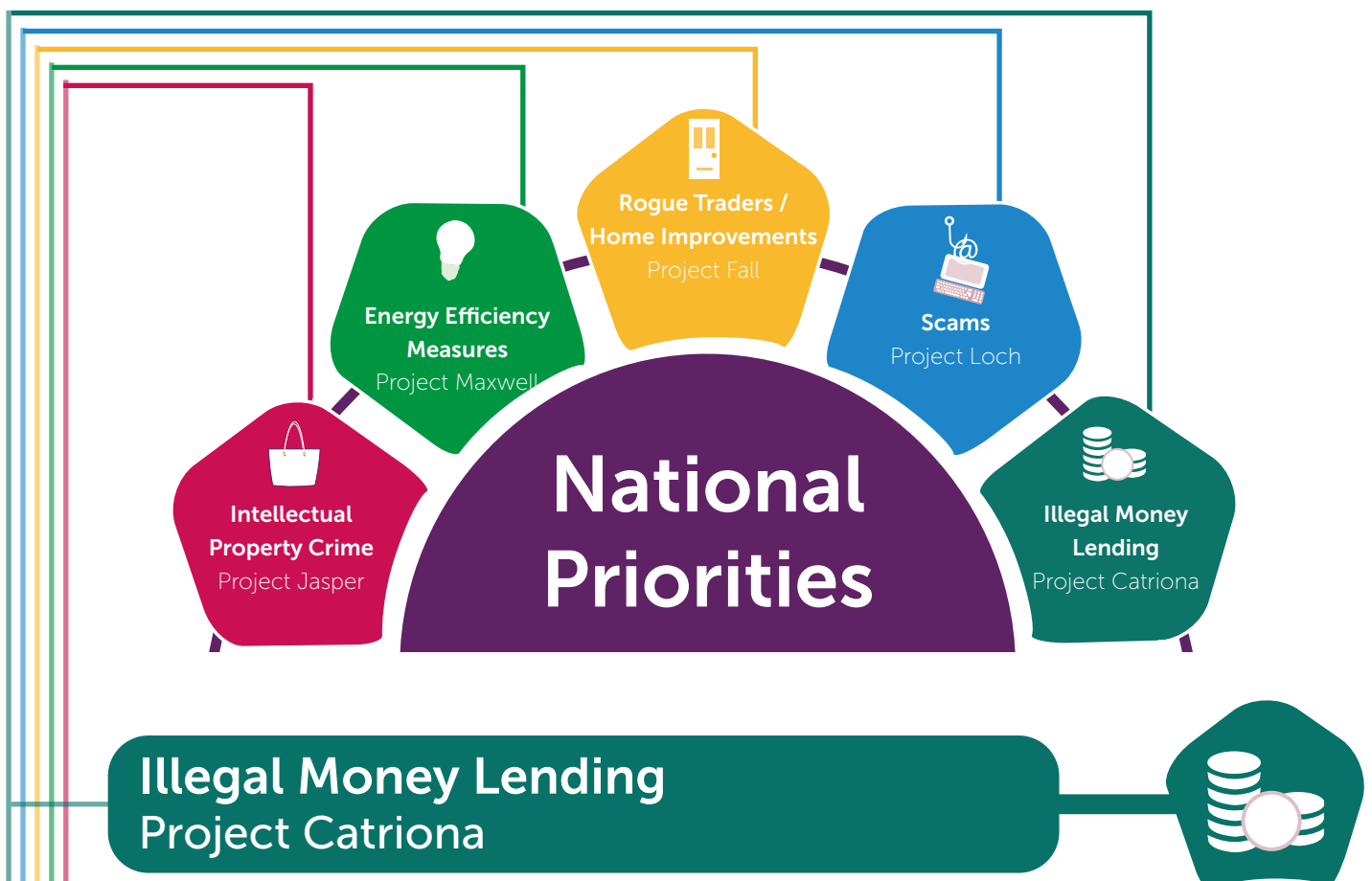
Priorities for 2024/25

Whilst keen to continue widening our reach to all consumers during 2024/25, TSS will explore strategies to specifically engage with younger consumers, those where English is not their first language and consumers living in social isolation and loneliness.

06 The National Priorities For 2024/25

TSS has recently completed a refresh of the strategic assessment of intelligence sources and other data sets to establish which thematic areas are causing widespread consumer harm. A MoRiLE (Management of Risk in Law Enforcement) Strategic/Thematic score has been applied against the thematic areas to assess organisational priorities. MoRiLE is a risk prioritisation process used by law enforcement agencies and allows agencies to identify and assess its key priority areas. It uses a structured methodology and matrix to consistently assess threats, risks, and harm.

The following areas have been assessed as the ones where TSS should be concentrating activity in the coming year:



The TSS team receives funding from His Majesty's Treasury to support work to investigate and prevent instances of illegal money lending. Illegal money lending is where an individual or business lends money to consumers without having the necessary authorisation from the Financial Conduct Authority. Often such lenders charge extortionate rates of interest and use threats and harassment to ensure that they are repaid.

The last 18 months has seen a noticeable increase in the frequency of reports of illegal money lending, likely linked to cost-of-living pressures and the contraction of the legitimate high-cost credit market. The team will continue to investigate allegations of illegal lending activity in Scotland whilst at the same time working with partners to raise awareness of illegal lending – how these lenders operate, and the issues associated with borrowing from them. The team are also continuing work on developing an environment where people feel safe to report illegal money lending activity.

We will prioritise the investigation of individuals and organisations involved in undertaking home improvement work and causing consumer harm. We will tailor our approach to individual investigations to maximise the opportunities to prevent ongoing consumer harm and to support trading improvements where that is appropriate.

Rogue Traders/ Home Improvements Project Fall



Itinerant doorstep 'traders' continue to commit consumer crime across Scotland, with wider links proven to serious organised crime including human trafficking, modern slavery, and environmental crime. They are highly organised and difficult to monitor and investigate due to their itinerant nature. These types of traders are synonymous with overcharging for work that is either unnecessary and/or substandard, with a tendency to target vulnerable and elderly consumers.

In line with other fair-trading areas there has been a noticeable drop in consumer complaints and intelligence relating to criminal breaches of consumer protection legislation. Over the course of 2024/25 TSS will work with partners to explore what may be causing this and assess whether consumers are tackling issues in different ways. The latest Consumer Protection Survey will take place this year and will provide a useful source of data to take this work forward.

We will continue to work closely with Police Scotland to ensure that intelligence is shared and that there is a clear understanding of the differences between breaches of consumer protection legislation and common law fraud in order that the most appropriate agency takes the lead in investigations.

We will continue to communicate with consumers and other agencies on a regular basis utilising the intelligence we receive to develop case studies of current practices and approaches of problematic traders. We will continue to review our messaging and channels of delivery to ensure that we maximise the opportunities to reach a broad base of consumer.

We will prioritise the investigation of individuals and organisations involved in undertaking home improvement work and causing consumer harm. We will tailor our approach to individual investigations to maximise the opportunities to prevent ongoing consumer harm and to support trading improvements where that is appropriate.

Intellectual Property Crime Project Jasper



As low risk, high reward crimes, illicit trade especially that of counterfeit products remains a significant threat in Scotland. Counterfeiting affects a wide range of goods and bears consequences for consumers, right holders, and governments alike. As well as posing dangers to the health, safety, and privacy of consumers, it also erodes brand value and results in revenue losses for legitimate companies and lost tax revenues for governments.

Over the course of the coming year, we will continue to work closely with the UK Intellectual Property Office, and we look forward to having their new Scottish Intellectual Property Crime Coordinator embedded within the TSS team.

We will use our communications platforms to raise awareness with the public of the risks associated with buying counterfeit goods and the links between this trade and wider criminality.

We will work with partners to disrupt the supply of counterfeit and illicit goods both to and within the UK. We will continue to prioritise and undertake targeted enforcement activities in relation to significant criminal enterprises involved in the sale of counterfeit goods within Scotland. We will focus on those selling goods which present wider risks to consumer safety.

Scams Project Loch



'Mass marketing' scams are a term used to refer to uninvited contact by the internet, letter, phone, or advertising purposefully designed to con people out of money. Scammers try to lure victims with false promises of large cash prizes, goods, or services in exchange for upfront fees, sometimes referred to as 'taxes' or 'donations'. Examples of such activity includes consumers receiving notification of mysterious inheritances, lottery scams, wine and diamond buying schemes, romance scams, clairvoyant scams, and copycat websites. In many instances, consumers find themselves caught up in a cycle whereby they are constantly targeted as even one response to scammers can mean that they are added to a 'suckers' list which significantly increases the potential of them becoming repeat victims.

Over the course of the last year, we have made significant progress in work to categorise reported consumer scams, we will continue to build on that work to be able to assess what types of scams are most prevalent and causing the highest levels of detriment.

The main impact we can have in this area is ensuring that consumers have up to date information on the types of scams that are currently operating, and the steps consumers can take to avoid being affected by scams.

Energy Efficiency Measures Project Maxwell



Misleading energy marketing and the sale of energy efficiency products is a key priority area for Trading Standards Scotland. The industry continues to be targeted by rogue traders who have identified consumers' lack an understanding of both energy efficiency products and the government grants/schemes available and exploit these vulnerabilities.

This will be an important year for Scottish Government policy in this area with the introduction of the Heat in Buildings Bill. TSS will continue to actively monitor the market and feedback real time information on issues that consumers are facing. This is an area where TSS work closely with partners including both Scottish Government and Consumer Scotland. TSS will also ensure that Scottish specific issues are fed into the work in this area being undertaken by the Consumer Protection Partnership.

We will be proactive about monitoring the market with a view to either taking enforcement action or assisting those companies who wish to comply with legislation.



Appendix

Performance Indicators

DBT

Enforcement

KPI
Operations commenced in the period, broken into separate activity strands: General / Civil / Cyber / Total
Reports submitted to the Procurator Fiscal
Cases submitted for Part 8 Undertaking under the Enterprise Act 2002
Breach of enforcement orders pursued
Enhanced consumer measures sought
Cases referred for POCA investigations (Police Function)
Cases referred to Civil Recovery Unit
Cases referred to other enforcement agencies
Enforcement outcomes undertaken in partnership with local authority trading standards teams and/or other enforcement agencies
Training events undertaken for local authority Trading Standards services to improve enforcement capability

Intelligence

KPI
Intelligence logs submitted by TSS
Analytical products created in the period
Intelligence development cases commenced
Intelligence packages developed for local authority operations (cybercrime/other)

Prevention

KPI
Consumers/businesses reached in preventative campaigns: online, printed media, radio/TV

HMT



KPI
Victims identified
Victims supported
Estimated value of victim debts
Operations undertaken
Suspected illegal money lenders identified
Individuals reported
Individuals convicted



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