Scottish Pubs Code Adjudicator



Communications and Engagement Strategy 2024-2027

Scottish Government
Riaghaltas na h-Alba

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Introduction

I am pleased to introduce the Office of the Adjudicator's first Communication and Engagement Strategy.

The objectives for 2024-2025 are designed to enable us to fulfill our mission: to regulate the relationship between tied pub landlords (pub-owning businesses) and tenants in Scotland. We oversee and enforce the statutory Scottish Pubs Code, ensuring fairness and transparency.

Our goal is to promote a balanced and sustainable pub industry, where tenants receive equitable treatment and pub-owning businesses adhere to the Code. The Scottish Pubs Code supports the achievement of the Scottish Government's National Strategy for Economic Transformation through tackling inequality.

Our key objectives are:

Regulation and Oversight: We will diligently oversee and enforce the Scottish Pubs Code, ensuring that all tied pubs and pub-owning businesses comply with its provisions.

Fairness and Transparency: Our commitment lies in promoting fairness and transparency within tied pub lease agreements. We aim to create an environment where both landlords and tenants understand their rights and obligations.

Stakeholder Engagement: We value open dialogue and constructive collaboration. Our stakeholder engagement forum encourages honest discussions, respectful exchanges, and a commitment to understanding diverse viewpoints.

Learning and Improvement: We will use learning and intelligence derived from our regulatory activity to promote positive change and continuous improvement in practice and culture, both internally for ourselves in the delivery of a high quality public service, and externally as a regulator and advocate for positive relationships and fair dealings.

The Tied Pubs (Scotland) Act 2021 received Royal Assent in May 2021 and forms the legal foundation for our work. This legislation ensures that all tied pubs - regardless of the size of the pub-owning business - benefit from equitable treatment and protection.

The Scottish Pubs Code Adjudicator (SPCA) is a statutory body that operates independently of the Scottish Government, which means that parties can contribute to the implementation plans by utilising the opportunity of direct consultation as the Code is developed. Thus the core values of the stakeholder engagement group are:

- **honest and respectful dialogue;**
- **constructive challenge;**
- **commitment to understand all opposing views;**
- **courage to compromise.**

We are at the beginning of an exciting journey for the Office of the Adjudicator, and together, we can shape a fair and sustainable future for Scotland's pubs.

Sarah Havlin
Scottish Pubs Code Adjudicator



Who we are and how we work

The Office of the Adjudicator has been established as a source of expertise on the tied pub sector and on arbitration, providing reassurance to tied pub tenants that a clear process exists for resolving disputes. Our presence should encourage compliance with the Code by all parties involved.

Our approach will be rooted in fairness, transparency and collaboration, and we will engage with all parties to ensure that every issue is addressed objectively.

In addition, the Office of the Adjudicator will work with industry and tenants to specify the level of potential financial penalties for breaches to the Code, the level of fees for bringing cases to the Adjudicator, and rules around arbitration, including Adjudicator expenses.

We have also made significant headway on a website to ensure that key information is available, and this will continue to grow as we evaluate customer experience.

Through arbitration, investigation, and regulation, we aim to shape a fair and thriving pub sector for all involved.

Objectives

Our key strategic objective at the Office of the Adjudicator is to regulate the relationship between tied pub landlords (pub-owning businesses) and tenants in Scotland.

In order to do this, our Communication and Engagement plan will be aligned with the Scottish Government's Communication Plan and will adhere to five core principles in the year ahead:

Evidence and Insight: We will ensure that all communication activities are based on sound evidence and grounded in stakeholder insights. By reducing information asymmetry between tied pub tenants and pub-owning businesses, we aim to empower tenants to make informed decisions while providing pub-owning businesses with clarity on government expectations.

Robust Evaluation: We will evaluate our work by measuring outcomes where possible to assess impact and drive continuous improvement. All pub-owning businesses will adhere to a standard set of minimum requirements toward tied pub tenants, supported by an effective arbitration regime.

Collaboration: We will foster effective and efficient communication among tenants, the industry, and investors by establishing a stakeholder forum to enhance engagement. Through this collaboration, we will ensure that tenants in Scotland are afforded rights comparable to those of their counterparts in England and Wales.

Digital: We will place a strong emphasis on digital and social media activity, alongside broadcast media, recognising that more people than ever are engaging with us in this way.

Innovation: We will continually identify and test new ways of working to enhance tenant satisfaction, streamline processes, and ensure fair practices across the industry.

And finally, we will ensure penalties, fees and expense provisions encourage good practice and compliance with the Scottish Pubs Code, leading to effective arbitration in cases of dispute.

Communication Priorities

We will communicate effectively with you.

Respect and dignity

- We will treat you with courtesy, respect and dignity.
- We will work with you without discrimination or prejudice.

Keeping you informed

- We will explain our investigation process to you.
- We will keep you informed of progress and tell you what needs to happen at each stage.
- We will always tell you who to contact if you have any questions.

Timeliness

- We will deal with complaints in a timely manner, taking into account the complexity of the case.

Clarity

- We will be as accurate, plain and clear as we can in our communications.

Accessibility

- Our service will be easily available and accessible to you.
- We will work with you to meet your individual needs, including working with representatives to support you through our service.

Understanding

- We will listen to what you want from us and ensure we understand your complaint. If we cannot help you, we will direct you to an organisation who can.

We will work in an open and fair way.

Transparency

- We will publicise information about the role of the Office of the Adjudicator, who is in charge of decisions on complaints.
- We will give you information about how we handle complaints.

Fairness

- We will consider all information provided to us before we reach a decision.
- Our decisions will be based on all of the relevant evidence.

Impartiality and independence

- We will make decisions on cases on the independent evaluation provided to us by all relevant parties alone.

We will carry out our duties competently and responsibly.

Expertise

- We guarantee that the Adjudicator (or the most senior officeholder in charge of your case) has the relevant skills and knowledge to make the decision on your complaint.

Explaining our scope

- We will clearly explain what we can look at, any restrictions that apply and what we can and cannot achieve.

Reaching sound outcomes

- We will clearly explain our reasons for our decisions.
- We will ensure remedies are proportionate, appropriate and fair.
- We will make sure remedies are put in place, as far as we can.

Ensuring impact

- We will use the outcomes of complaints and the learnings from them to promote improvement.

Handling information

- We will ensure our record-keeping is accurate, that we hold data securely and share it appropriately.

Putting things right

- We will acknowledge and apologise for any mistakes we make, put them right quickly and ensure lessons are learned to improve our service.

What we expect from you.

We are committed to dealing with you in line with our customer service standards. We also expect you to treat our staff with respect. We understand that you may feel frustrated, distressed, or angry due to certain circumstances, but please remember we are people too. Our staff deserve the same respect and dignity as our users, and we must ensure a safe working environment for them.

This means we need to handle any situation or actions which could have a negative impact on our staff or our ability to work. We may need to speak with you about this or we may need to change the way we engage with you. If this happens, we will explain what we are doing and why.

- We believe that everyone who contacts us has the right to be treated with respect and dignity.
- We will listen with empathy and kindness.
- We will treat everyone fairly and justly.

To do this, we need your help.

- Tell us what you need.
- Tell us the best way we can communicate with you and what method of communication works best for you.

We will do our best to meet your needs. It is okay to change your mind or realise something else will work better at any time.

Tell us if something is going wrong.

- We want to fix problems and to know if you are unhappy. Please tell us; we will check what we have done against our standards and make changes if we can.



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