

## ANNEX A

The exceptions applied in this instance are:

Some information has been withheld under regulation 10(4)(e) (internal communication). This exception is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exception. We have found that, on balance, the public interest lies in favour of upholding the exception. We recognise that there is some public interest in releasing the information as part of an open, transparent and accountable government. However, this is outweighed by the greater public interest in allowing a private space for officials to share information with ministers on the development of any given policy.

A small amount of information has been withheld under regulation 11(2) - Personal Data as it contains personal information and disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulations (GDPR) and in Section 34(1) of the Data Protection Act 2018. This exception is not subject to the 'public interest test'.

## ANNEX B

### Briefing for meeting with USDAW on 26<sup>th</sup> June 2023.

<b>What</b>	To update the Union of Shop, Distributive and Allied Workers (USDAW) on the impact of Scotland's Deposit Return Scheme (DRS) on retail workers.
<b>Where</b>	MS Teams
<b>When</b>	Monday 26 June 2023 10:30 – 11:00
<b>Key Message(s) and structure</b>	Retail workers are key to the success of Scotland's DRS. We welcome USDAW's interest in the scheme and hope that this meeting addresses their concerns.
<b>Who</b>	Tracy Gilbert – USDAW Regional Secretary for Scotland
<b>Why</b>	An opportunity to discuss the impact of Scotland's Deposit Return Scheme (DRS) on workers within the retail sector.
<b>Expected outcome</b>	USDAW to be reassured that the Scottish Government is aware of their concerns and will involve them further in the continued development of DRS.
<b>Supporting officials</b>	[Redacted] – Team Leader – DRS Online and Retail Policy Team [Redacted] - Senior Policy Advisor – DRS Online and Retail Policy Team
<b>Briefing contents</b>	<b>Annex A:</b> Proposed meeting structure & top lines
<b>Media Handling / Social Media</b>	NA

### Proposed Meeting Structure & Top Lines

#### *You will chair*

#### **1. Welcome, introductions and DRS Update (10:30 – 10:35)**

- Thank you all for coming.
- As a result of the conditions set for a UK Internal Market Act exclusion, the Scottish Government have been left with no other option than to reset the timescale of DRS and delay the launch until October 2025 at the earliest.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

- I am extremely frustrated and disappointed that DRS will now take longer than needed, and see this as an unacceptable attack on devolution.
- I am aware of the seriousness of the situation for many businesses in Scotland, having made hundreds of millions of pounds of investment ahead of scheme launch in a matter of months. Some of these businesses may now be in the awful position of having to reduce workforce numbers.

## **2. Questions from USDAW (10:40 – 11:00)**

USDAW have submitted a number of discussion points they would like to raise with you during this meeting. These are as follows:

### Future of the scheme and planned timetable.

- We have been left with no other option than to reset the timescale of DRS and delay the launch until October 2025 at the earliest, when the UK Government says it will aim to launch its own scheme.
- DRS will happen but we are frustrated and disappointed that it will now take longer than needed and more limited than it should be.
- This is a result of the UK Government's actions and intervention at the 11th hour.
- The UK Government also imposed a number of conditions on Scotland's DRS that are vague and unworkable. This includes a requirement to align the value of the deposit with the rest of the UK, even though they are unable to say what that will be.
- The conditions imposed are arbitrary, were not discussed with us, and no evidence to substantiate them has been produced. It seems clear that they acted in bad faith, with a view to undermining Scotland's scheme and the decisions made by this Parliament.
- The immediate priority is to bring forward regulations to amend the go-live date to October 2025. Further changes will be required down the line as a result of the conditions being imposed on the scheme by Westminster.

**Nevertheless, I want to reassure you that the Scottish Government remains committed to DRS, and will continue to work with business to ensure that the scheme is a success.**

### Plans for tackling violence and abuse against retail workers

- I believe that in order to minimise the risk of violence or abuse against retail workers as a result of DRS, it is extremely important to ensure that the public is well-informed about the changes the scheme will bring.
- **Ask** if USDAW has conducted any research into antisocial behaviour linked to similar schemes in other countries.
- **Invite** USDAW to share their views on the best way to minimise such risks.

### Creation of best practice guidance for in-store and broader messaging to raise awareness of the scheme and the need to respect retail workers

- It is very important to ensure that there is effective and practical guidance for all businesses and the public to ensure that DRS is properly understood.
- We are continuing to engage with businesses and other stakeholder organisations to ensure that the messaging is appropriate.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

- Due to the change in launch date, we now have the time to ensure that all necessary information is in place.
- **Invite** USDAW to participate in the creation of guidance, where appropriate.

### Potential for ongoing engagement with USDAW

- I would very much welcome continued and ongoing engagement with USDAW regarding DRS.
- **Invite** USDAW to engage with SG Officials in the first instance.

### Online deliveries and how a takeback scheme would work.

- We have listened to feedback from industry and have amended our proposals for online takeback, whilst ensuring the scheme is as accessible as possible.
- The regulations we recently laid in parliament set out an **obligation for the largest retailers to provide a service for those with identified protected characteristics (consumers aged over 66 or who self-identify as having a disability).**
- We are continuing to work with retailers to identify an operational model for online takeback. We are also engaging with DEFRA to understand the interoperable elements of online takeback obligations.
- The delay to the scheme launch date, while extremely unwelcome, gives industry significant time to prepare for this responsibility and ensure all consumers have access to DRS.
- We will continue to engage with businesses, representative third sector and consumer groups to ensure that this obligation is fair, proportionate, and workable.

## **Meeting notes between Ms Slater and USDAW**

**26 June 2023**

**Virtual**

### **Attendees:**

Lorna Slater, Minister GSCEB, SG

Tracy Gilbert, USDAW Regional Secretary for Scotland

[Redacted] – Team Leader – DRS Online and Retail Policy Team

[Redacted] – Senior Policy Advisor – DRS Online and Retail Policy Team

### **Note of meeting**

1. Lorna Slater (LS) welcomed Tracy Gilbert (TG) and confirmed the Scottish Government's commitment to delivering a Deposit Return Scheme (DRS). Scotland's DRS will now launch no earlier than October 2025, however a firm timetable has yet to be determined owing to the relatively early development stage of rUK's schemes. Presently, it is expected that the UK's Deposit Management Organisation (DMO) will be established no earlier than next summer and there will be a General Election before the proposed launch window which may further influence matters.
2. TG asked that appropriate guidance be built into the scheme to tackle resulting violence and abuse against retailers. Potential risks include if someone tries to return containers and the RVM is broken, or they don't get deposit back as well as people under influence of alcohol / narcotics. Over the past year 50% of staff have been threatened and 39% assaulted. To mitigate this

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

there will need clear public messaging and expectations of how scheme will work.

3. LS confirmed that best practice established by other schemes is that the public awareness campaign should start approximately six weeks before scheme launch. SG will ensure that USDAW and other unions will be involved in this process.
4. LS clarified that the changes to the DRS Regulations that are currently processing through Parliament will require only the largest retailers to provide an online takeback service. [REDACTED UNDER 10(4)(e)]. The Regulations are flexible to enable retailers to create a takeback service that works for them. TG suggested that online takeback be considered as a job creation for both green and retail sector jobs, and that USDAW would like to be involved in future discussions.
5. An updated governance structure was put in place earlier this year to support Scotland's DRS. This included setting up a Retail Sectoral Group, and an online takeback sub-group to which USDAW and other unions will be invited. **Action: SG to email TG invitation to both groups (Completed – TG added to invitation list).**
6. LS asked if USDAW has any connections with international unions operating in countries with established deposit return schemes who could provide information on challenges and best practice. TG agreed to reach out to her international connections to establish if they have any relevant information or advice.

Yours sincerely

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

St Andrew's House, Regent Road, Edinburgh EH1  
3DG  
[www.gov.scot](http://www.gov.scot)



**INVESTORS IN PEOPLE™**  
We invest in people Silver

