

Proposals to Set Targets for Recycled Content in Public Sector Procurement

Consultation Paper

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Scottish Executive Consultation Paper: Setting targets for recycled content in public sector procurement

Introduction

1. The National Waste Plan 2003 established the direction of Scotland's waste management policies up to 2020. The focus of the plan is to divert waste away from landfill and to increase recycling. The Plan outlined the importance of developing markets for recycled products and the need to stimulate demand through procurement.

2. The Partnership Agreement commitment, which can be found at <http://www.scotland.gov.uk/library5/government/pfbs-00.asp>, contains a commitment to:

'use the public purchasing rules to enhance the status of recycled goods and those capable of reuse'

3. The proposals outlined in this paper could make a significant contribution to our goal of sustainable development. The outcomes from this consultation will be built into the Scottish sustainable development strategy the Executive is currently developing

4. Various mainstream products, notably in paper and construction applications, are available with a range of recycled content at no extra cost and equal quality. Many public bodies will already be achieving significant levels of recycled content in their procurement, whether or not through conscious effort. Many of these products are already used as standard practice.

5. The purpose of this consultation paper is to outline what public bodies can do to specify recycled content when letting contracts and to seek views as to whether targets should be set on public bodies in relation to specifying recycle. At this stage, the Executive has not taken a view on whether or not targets on recycle should be set. However, the Executive does consider that, when letting contracts, public bodies should consider the scope for specifying recycle, as part of their work on sustainable development and procurement and resource efficiency.

6. The proposed targets would apply to the Scottish Executive, its agencies, local authorities, Registered Social Landlords, non-departmental public bodies including the Enterprise Networks, and the NHS. The proposed targets could also apply when public bodies provide financial resources to other bodies which then carry out a procurement exercise (eg when the Executive supports a body which then puts a service out to tender).

7. It would be helpful if Chief Executives of public bodies could ensure that procurement officers see and comment on this paper.

Question number 1. Do consultees consider that this paper is aimed at the appropriate public bodies? Do consultees consider targets should apply when public bodies provide financial resources to other bodies which then put a service out to tender?

8. In making these proposals, the Scottish Executive considers:
- Recyclate can often be specified without extra cost and at equal quality. When specifying recyclate, public bodies will, in line with usual good practice, need to take account of full life-time costs of the products.
 - Specifying recyclate in contracts is in line with the EU Procurement rules, so long as recyclate is specified at the beginning of the tender exercise (see www.scotland.gov.uk/Topics/Government/SPD/17839/13744). Consultees may wish to be aware of the European Commission's handbook on environmental public procurement, which can be found at: <http://europa.eu.int/comm/environment/gpp/pdf/gpphandbook.pdf>
 - The targets proposed are in line with good practice already being achieved by a number of public authorities.

What Materials Would Targets Apply To?

9. The Waste and Resources Action Programme (WRAP) (www.wrap.org.uk) and Remade Scotland (www.remade.org.uk) are supported by the Executive to develop markets for recycled products. Reflecting the outcome of research undertaken by these bodies, the Executive proposes that targets would apply initially to paper and construction applications, where a range of mainstream products are already available.

10. Paper includes:
- Direct purchasing of office and copier paper.
 - Procurement of reprographic and printing services – for copying, printed publications and business processes such as invoicing.
 - Specification of relevant products in catering and hygiene services (e.g. tissue paper).
11. Construction includes construction and major refurbishment of public buildings such as offices, schools, hospitals, social housing, roads etc.
12. Appendices 1 and 2 set out the potential to increase the use of recycled content in relation to paper and construction.

Question number 2: Do consultees agree that targets should be set? What other steps could be used as an alternative to targets or in conjunction with targets (eg use of planning conditions) to help meet the Partnership Agreement commitment to ‘use the public purchasing rules to enhance the status of recycled goods and those capable of reuse’?

Question number 3: What other applications, other than paper and construction, might be included within the scope of the targets?

Proposed Targets

13. The Executive proposes the following targets:

- By the start of 2006/07, at least 90% (by value) of all centrally co-ordinated public procurement contracts relating to construction projects and paper should each have minimum levels of recycled content in the tender specifications for goods, works and services. These should be:
 - In construction applications, at least 10% of the value of materials used on a project should derive from recycled content¹.
 - In printing and writing paper applications, products should contain at least 50% recycled content².
 - In tissue paper applications, products should contain 100% recycled content.

14. There are several reasons for proposing targets at a modest 10% in construction projects:

- A target such as 10% accommodates a range of construction types.
- If a particular product should become unavailable as a result of difficulties in the supply chain, contractors could source another product which would not necessarily need to have the same level of recycled content.
- Designers and contractors will not feel they have to design specifically with recycled goods in mind but instead can look for opportunities for product substitution where appropriate.

15. For tissue paper, a wide range of products in the away-from-home market already contain 100% recycled content. For copying and printing papers, a threshold of 50% recycled content can be met by a range of products that are able to compete on price, quality and availability with virgin papers.

¹ See Appendix 1 for a description of how to calculate recycled content as a % of materials value.

² Recycled content is defined in BS EN ISO 14021:2001 on Environmental Labels and Declarations. The National Association of Paper Merchants (<http://www.napm.org.uk>) has a definition of “genuine waste” that includes waste paper from convertors, printers, households and offices, but excludes mill broke i.e. waste re-used within the mill.

16. While there will be potential within specific projects and services for greater use of products with recycled content, the Scottish Executive believes that setting conservative targets will allow maximum flexibility for both contractor and supplier and allow the market for goods with recycled content to develop further. The Executive would propose to review these targets after two years with a view to increasing the requirements.

Question number 4: What benchmark levels of minimum recycled content are appropriate?

Question number 5: Should targets be reviewed with a view to being increased after a set amount of time? If so after how long should targets be reviewed?

Question number 6: Should the targets only apply to contracts above a certain value? If so what should this threshold be? Should different targets be set for different kinds of construction work?

Monitoring of Targets

17. The Executive proposes that public sector bodies include data on their performance against these targets in existing annual reports. The Minister for Environment and Rural Development wrote to the majority of Scottish Executive Agencies and Non-Departmental Public Bodies (NDPBs) on 26 November 2004, requesting them to develop and implement environmental management policies by the end of 2005 (the NHS, local authorities, the police and fire service were not included in this initiative as they are covered by other requirements).

18. The Minister indicated that NDPBs should report on performance within existing annual reports or as a freestanding document. It is proposed that for bodies covered by the Minister's letter, this reporting mechanism is also used for reporting against targets proposed in this paper. Those bodies not covered by the Minister's letter should add a section outlining achievements to existing annual reports (or produce a freestanding document if this would be easier). Information on performance on targets should be included within 2006/07 annual reports onwards. For local authorities, this information could be included within Public Performance Reports.

Question number 7: Is including a section within existing annual reports an appropriate way of reporting progress?

19. Where a public body has met or exceeded the targets, the Executive would intend, with WRAP and REMADE, to highlight and disseminate best practice, by way of publishing material on a website. Where a public body has not met the targets, or has failed to provide adequate information, the Scottish Executive will ask WRAP and REMADE to work with the public bodies concerned, to see what can be done to improve performance. If and when targets are put in place, the Scottish Executive will ask WRAP and REMADE to produce a statistical analysis of what the public

bodies have done in relation to meeting the targets. This statistical analysis would be made publicly available on a website.

20. To aid identification and monitoring of the level of recyclates, WRAP has commissioned and trialled software toolkits for assessing recycled content at project level in new build and commercial refurbishment. (See Appendix 1 for more detail of the method of calculation.).

21. For a number of major procurement projects, it is now common for a “Gateway Review” process to take place. Under this process, compliance with sustainability issues is taken into account. Specifying recycle within procurement contracts is one way of demonstrating sustainable development.

Question number 8: Do consultees agree that asking WRAP and REMADE to monitor what public bodies have done in relation to meeting the targets is an appropriate way to proceed? If not, what would be the best way to monitor the targets?

Question number 9: If public bodies continue to be unable to meet targets what further action should be taken? Is any training required?

Question number 10: What incentives should be offered for good performance?

Key Issues: Procurement Rules, Costs, Quality and Advice

22. It is likely that many bodies are already achieving the 10% construction target for recycled content, even if unintentionally, and some have already committed to buying recycled paper. However, setting targets for recycled content will raise a number of questions, as discussed below.

Rules on public procurement

23. The European Commission handbook on environmental public procurement states:

*“As a contracting authority, you have the right to insist that the product you are purchasing be made from a specified material, provided they respect the Treaty principles of non-discrimination, and the free movement of goods and services. You can also indicate the range of materials you would prefer, or alternatively specify that none of the materials or chemical substances should be detrimental to the environment. A common approach for the green procurement of cleaning products, for example, is for the contracting authority to give an indicative list of hazardous substances harmful to the environment or public health (on the basis of an objective risk assessment) that it does not wish to be present in the product. **The right to***

specify materials or the contents of a product also includes the right to demand a minimum percentage of recycled or reused content where possible." (Section 3.4.1)

24. Local authorities may wish to consider whether any changes are required to their standing orders, in relation to the letting of contracts, to ensure that they cover sustainability issues, including specifying recyclate.

25. The Scottish Procurement Directorate guidance on Environmental Issues in Purchasing (www.scotland.gov.uk/Topics/Government/SPD/17839/13744), in Section 4 on Contract Specification, states:

"This is a key stage at which to consider environmental issues.....Contracting authorities are free to specify in terms of performance or functional requirements, which can include environmental aspects."

26. European guidance appears to give the right to specify a percentage of recyclate, but this is subject to the principles of free movement of goods and services, which would include the Construction Products Directive (CPD). The Directive is designed to ensure that construction products meeting key technical standards can be traded freely across the European Union. The Scottish Executive would wish to make certain that any targets on specifying recyclate do not cut across the requirements of the CPD.

Product costs

27. In construction, a range of mainstream products (bricks, blocks, boards, concrete products, etc.) are already available which offer above-average recycled content at no extra cost or risk – in compliance with quality standards. For example, market research commissioned by WRAP has identified Quick Win options covering 50-60% of the materials value of a typical secondary school or house.

28. Case study evidence demonstrates the potential to increase the recycled content used in buildings at no extra cost or with a cost saving. Though housing construction methods can differ between Scotland and England (64% of new housing in Scotland is timber frame compared with 8% in England), Taylor Woodrow estimate they could increase recycled content from 16% to 30% of the materials value of a standard design of house at cost parity, and to 20% with a cost saving (see Appendix 1).

29. In paper-based applications, historically a price premium has been charged for 100% recycled content papers. However, some organisations, including both the Scottish Executive and the Scottish Parliament, have demonstrated that price parity is achievable by using buying power effectively (see Appendix 2). Other organisations have achieved cost neutrality by selecting a hybrid paper – for example, BT and Barclays Bank have recently introduced copier paper with 70-80% recycled content at no extra cost. Some UK Government departments have achieved a saving relative to equivalent virgin papers for printed publications by agreeing a framework agreement

for the supply of recycled papers, rather than purchasing paper for individual print jobs.

Product availability and quality

30. As indicated above, there are a range of mainstream products – including some market leading brands – that are available in the market with above-average recycled content. These conform to the normal quality standards.

31. Meeting the proposed targets therefore does *not* require the selection of novel products from limited sources (which would increase risk and might breach EU Procurement Rules). For more information on product options, visit www.wrap.org.uk/procurement.

Procurement advice

32. In order to implement a recycled content requirement, a supplier has to be able to demonstrate the performance of their products and clients must verify compliance of the product. Inevitably, the pressure on the client is such that monitoring and verification of performance must be carried out at minimal cost and effort while ensuring a robust approach. In addition, a client will need to know how to state the requirement in procurement documentation.

33. For paper, advice on procurement practice is available from www.wrap.org.uk/procurement. Paper merchants will know the composition and performance parameters of the papers they supply, so verification of recycled content will be straightforward.

34. For construction, WRAP has developed standard template wording that procurement professionals can use in tender specifications. This is also available from www.wrap.org.uk/procurement. This output has been tested in schools building work and Glasgow City Council has already included a 20% requirement as a criterion in a design competition for a café in George Square.

<p>Question number 11: Are there any other critical issues in relation to issues such as procurement rules, costs and availability of products that need to be addressed?</p>
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Conclusion

35. We would welcome written responses to this consultation paper by 18 November 2005. Please also complete and return the Respondent Information Form attached to cover letter with your response.

Please email your response to

RecycledContent@scotland.gsi.gov.uk

Or send it by post or fax to

Kirstie Macfarlane
Scottish Executive
Environment and Rural Affairs Department
SEPA Sponsorship and Waste Division
Area 1-J (North)
Victoria Quay
Edinburgh
EH6 6QQ

Fax: 0131 244 0245

Access to responses

36. This consultation, and all other SE consultation exercises, can be viewed at <http://www.scotland.gov.uk/consultations>. Electronic comments would be preferred but all responses, whether electronic or written, will be carefully considered. The electronic questionnaire can be accessed and downloaded at the following website address <http://www.scotland.gov.uk/consultations>. You can telephone Freephone 0800 77 1234 to find out where your nearest public internet access point is.

37. We will make all responses available to the public in the Scottish Executive Library by 23 December 2005, unless confidentiality is requested. All responses not marked confidential will be checked for any potentially defamatory material before being placed in the library.

Appendix 1: Evidence for the potential to increase the use of recycled content in construction

1. The proposed benchmark of 10% recycled content as a proportion of the value of materials used in a construction project has been recommended previously by the UK Government's Sustainable Buildings Task Group (2004). The same method of evaluation by value is already used in the USA.
2. The evaluation simply requires data on materials costs and quantities (which contractors will already be monitoring), plus data on the recycled content % by mass for component products. The latter is a simple addition to a product data sheet where not already stated, and contractors can alternatively use published default values for standard practice – requiring product-specific details only for those limited product types where they want to claim credit for above-average content. (Case studies show that, on a typical project, most of the gains in recycled content above standard practice come from selecting alternative brands for just 5-10 product types, which vary according to the project.)
3. The following Table provides a simple illustration of the method of calculation³:

Component	Quantity	Unit price (excluding labour)	Total price	Recycled content by mass	% recycled content by value
Bricks	2,000	£250 per 1000	£500	15%	£75
Dense blocks	50m ²	£8 per m ²	£400	50%	£200
Plasterboard	50m ²	£2 per m ²	£100	80%	£80
Insulation	20m ²	£10 per m ²	£200	80%	£160
TOTAL:			£1,200		£515 (£515 out of £1200 = 43% overall)

4. It is key that the % requirement is expressed on this outcome basis for the project overall, i.e. remaining neutral in terms of which materials are used to meet the requirement. This gives contractors the flexibility to adopt the most economic solution for each situation and location.

³ This illustration is based on actual mainstream brands with above-average recycled content. Alternative brands currently available on the market at the same price but with less recycled content would achieve just 5%, instead of 43%, as the overall outcome.

Assessment of economics and technical potential

5. Many common products (such as bricks, blocks, chipboard and plasterboard) already include some recycled content, and a range of mainstream brands offer above-average recycled content with no penalty in terms of cost, performance or availability (i.e. Quick Wins).

Example 1: Case study analysis by Costain and Taylor Woodrow

6. While construction techniques can differ, the following Table lists the results of detailed product-level analysis, led by contractors Costain and house-builders Taylor Woodrow, on eight actual construction projects, based on real-life costs and quantities. The data demonstrate that there is substantial potential to increase the use of recycled content, and even to reduce materials costs in the process.

Table 1: Potential to use recycled content in construction (as a % of project materials value)

Case study	Actual practice	Higher recycled content readily achieved at no extra cost	Potential recycled content at no extra cost
Terraced house	16%	19.5% (6% cost saving)	27.5% (5% cost saving)
Detached house	16.5%	20% (8% cost saving)	30% (1% cost saving)
Flat	16.5%	20% (6% cost saving)	30% (0% cost saving)
Primary care centre	17.5%	21.5% (0.4% cost saving)	27% (1% cost saving)
Commercial office building	22%	26% (0.2% cost saving)	30% (0.9% cost saving)
Commercial redevelopment	23%	24.5% (0.1% cost saving)	26% (0.2% cost saving)
Bridge	22.5%	32% (3% cost saving)	48.5% if aggregates had been available locally (7% cost saving)
Motorway junction	15.5%	18% (1% cost saving)	29% if aggregates had been available locally (3% cost saving)

Example 2: Secondary school buildings

7. At standard practice, two Exemplar Designs for secondary schools (commissioned by the Department for Education and Skills in Whitehall) would contain at least 16-17% recycled content by value. Davis Langdon estimated that substitution of competitively-priced products with higher recycled content would increase overall recycled content to 18 or 21%, and give a major (up to ten-fold) increase in the use of recovered materials, equivalent to diverting an additional 3,000-4,000 tonnes per school from landfill. The City Academy in Brent achieved 13% recycled content, and could have achieved 16% with a similar environmental benefit. In Scotland, a primary school in Glasgow achieved 22% recycled content.

8. This work also showed that the majority of the potential to increase recycled content comes from simple substitution of one product or brand for another. More radical and complex changes in design specifications, which are likely to require greater effort and present greater risk, are not essential.

Example 3: Barracks accommodation

9. The barracks being constructed in Defence Estates' modernisation programme for Single Living Accommodation already contain 18-19% recycled content by value. Scott Wilson identified ways of increasing this figure to 23-24%, using alternative products at comparable cost. Over the remainder of the programme, such product substitution would use ~67,000 tonnes of recovered material that might otherwise have gone to landfill.

10. These results illustrate that setting a requirement for recycled content would provide an effective incentive to increase the sustainability of buildings without diminishing the quality of the building or increasing costs. A 10% benchmark looks conservative, and therefore is likely to be viable across a range of construction situations – while still providing the signal to get the construction supply chain aware of, and interested in increasing, the recycled content of various product groups.

11. WRAP has further projects underway, working with major construction clients and contractors to assess the case for setting requirements in real-life situations. Applications include hospitals, primary schools, housing new build and refurbishment, and commercial refurbishment and fit-out. This includes a major project with Communities Scotland (www.communitiesscotland.gov.uk) and three Scottish housing associations.

Appendix 2: Evidence for the potential to increase the use of recycled content in paper applications

The following case studies illustrate how public sector organisations can procure paper with high recycled content at no extra cost, by setting this requirement upfront when specifying their needs to potential suppliers.

Case study: Scottish Executive; ‘Greening the Government: Everyone can contribute’

In this policy statement, the Scottish Executive has committed to managing resources in a sustainable way, including in relation to paper:

“To ensure that all Executive staff purchase recycled copying paper containing 100% recycled content with a minimum of 75% post-consumer waste.”

The Executive’s electronic purchasing system makes these papers the default option. By ensuring demand in this way, the Executive’s procurement team has been able to secure price parity through bulk purchasing.

Case study: Scottish Parliament procurement of publications services

The Scottish Parliament’s Procurement Office has set up several contracts for printing and publishing. The tender specification made clear the Parliament’s environmental objectives:

“the contractor has to use best endeavourswhere possible to maximise the use of recycled content”

“the contractor is required to provide paper comprising genuine post-consumer waste or virgin pulp from sustainably managed forests, produced using a chlorine-free process”.

Nevertheless, the specification still allowed each prospective tenderer to propose the papers most suitable to meet the specification.

The main print contract was awarded to Astron Document Services. After being selected, and in response to client policy, Astron successfully tested an 80gsm paper containing 100% post-consumer waste. This paper has now been adopted as their standard recycled paper for digital printing, not just for the Scottish Parliament contract, but throughout Astron’s operations when recycled paper is specified. The original paper proposed by Astron contained 100% elemental chlorine-free pulp with no recycled fibre. The alternative paper was introduced at no additional cost per printed page.

The Design & Print service providers, by comparison, use both recycled and sustainable virgin papers. The quotation for each individual print job will include an

option for recycled content, identifying the cost and performance implications, so that the client can choose. The contract management process also requires a quarterly environmental report from each supplier, recording the use of different papers and advising on the availability of new papers.

In awarding contracts, the Procurement Office focused on the overall service level and price per printed page. The price of the paper itself was not a significant parameter, particularly for Design & Print where labour costs dominate. Therefore trading cost against recycled content was not a factor in contract award – the success lay in making the corporate objective explicit in the contract specification from the outset.

Appendix 3: List of Consultation Questions

Question number 1: Do consultees consider that this paper is aimed at the appropriate public bodies? Do consultees consider targets should apply when public bodies provide financial resources to other bodies which then put a service out to tender?

Question number 2: Do consultees agree that targets should be set? What other steps could be used as an alternative to targets or in conjunction with targets (eg use of planning conditions) to help meet the Partnership Agreement commitment to ‘use the public purchasing rules to enhance the status of recycled goods and those capable of reuse’?

Question number 3: What other applications, other than paper and construction, might be included within the scope of the targets?

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Question number 6: Should the targets only apply to contracts above a certain value? If so what should this threshold be? Should different targets be set for different kinds of construction work?

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Question number 8: Do consultees agree that asking WRAP and REMADE to monitor what public bodies have done in relation to meeting the targets is an appropriate way to proceed? If not, what would be the best way to monitor the targets?

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Question number 10: What incentives should be offered for good performance?

Question number 11: Are there any other critical issues in relation to issues such as procurement rules, costs and availability of products that need to be addressed?

Appendix 4: List of Consultees

Local Authorities

Aberdeen City Council
Aberdeenshire Council
Angus Council
Argyll & Bute Council
City of Edinburgh Council
Clackmannanshire Council
Comhairle nan Eilean Siar
Dumfries and Galloway Council
Dundee City Council
East Ayrshire Council
East Dunbartonshire Council
East Lothian Council
East Renfrewshire Council
Falkirk Council
Glasgow City Council
Highland Council
Inverclyde Council
Midlothian Council
Moray Council
North Ayrshire Council
North Lanarkshire Council
Orkney Islands Council
Perth and Kinross Council
Renfrewshire Council
Scottish Borders Council
Shetland Islands Council
South Ayrshire Council
South Lanarkshire Council
Stirling Council
West Dunbartonshire Council
West Lothian Council

Public Bodies

Accounts Commission for Scotland
Architecture and Design Scotland
Bord Gaidhlig na h-Alba (the Gaelic Development Agency)
Building Standards Advisory Committee
Cairngorms National Park Authority
Caledonian MacBrayne Ltd
Children's Panel
Crofter's Commission
Deer Commission Scotland
General Teaching Council for Scotland

Highlands and Islands Airports
Highlands and Islands Enterprise
Learning and Teaching Scotland
Loch Lomond and the Trossachs
National Park Authority
Mental Welfare Commission for Scotland
National Galleries of Scotland
National Library of Scotland
National Museum of Scotland
National Waiting Times Centre Board
NHS 24
NHS Scotland
Royal Botanic Garden Edinburgh
Royal Commission on the Ancient and Historical Monuments of Scotland
Scottish Children's Reporter Administration
Scottish Commission for the Regulation of Care (Care Commission)
Scottish Enterprise
Scottish Environment Protection Agency
Scottish Further Education Funding Council
Scottish Higher Education Funding Council
Scottish Homes (Residuary Body)
Scottish Law Commission
Scottish Legal Aid Board
Scottish National Heritage
Scottish Qualifications Authority
Scottish Screen
Scottish Social Services Council
Scottish University for Industry
Scottish Water
Sport Scotland
State Hospitals Board for Scotland
Visit Scotland

Executive Agencies

Accountant in Bankruptcy
Communities Scotland
Fisheries Research Service
Historic Scotland
HM Inspectorate of Education
National Archives of Scotland

Registers of Scotland
Office of Scottish Charity Register
(OSCR)
Scottish Agricultural Science Agency
Scottish Building Standards Agency
Scottish Court Services
Scottish Fisheries Protection Agency
Scottish Prison Service
Scottish Public Pensions Agency
Social Work Inspection Agency
Student Awards Agency for Scotland

NHS Boards

NHS Argyll & Clyde
NHS Ayrshire & Arran
NHS Borders
NHS Dumfries & Galloway
NHS Fife
NHS Forth Valley
NHS Grampian
NHS Greater Glasgow
NHS Highland
NHS Lanarkshire
NHS Lothian
NHS Orkney
NHS Shetland
NHS Tayside
NHS Western Isles

Political Parties

Conservative Party
Green Party
Labour Party
Liberal Democrats
Scottish National Party
Scottish Socialist Party
Scottish Senior Citizens Unity Party
Dennis Canavan MSP

Margo MacDonald MSP
Campbell Martin MSP
Jean Turner MSP

Interested Parties

Association of Chief Housing Officers
Chambers of Commerce
Chartered Institute of Housing
Chartered Institution of Wastes
Management
Confederation of British Industry
Constructing Excellence in Scotland
Construction Confederation
COSLA
Confederation of Paper Industries
Community Recycling Network
Scotland
Friends of the Earth
Federation of Small Businesses
Homes for Scotland
National Association of Paper
Merchants
Registered Social Landlords
Remade Scotland
Scottish Building
Scottish Environmental Services
Association
Scottish Federation of Housing
Associations
Sustainable Scotland Network
Sustainable Construction Forum
The Royal Institution of Chartered
Surveyors in Scotland
The Royal Incorporation of Architects
in Scotland
Waste and Resources Action
Programme
World Wildlife Fund

Appendix 5

THE SCOTTISH EXECUTIVE CONSULTATION PROCESS

Consultation is an essential and important aspect of Scottish Executive working methods. Given the wide-ranging areas of work of the Scottish Executive, there are many varied types of consultation. However, in general, Scottish Executive consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Executive encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

Typically Scottish Executive consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Executive web site enabling a wider audience to access the paper and submit their responses⁴. Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Executive library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, telephone 0131 244 4565).

All Scottish Executive consultation papers and related publications (eg, analysis of response reports) can be accessed at: [Scottish Executive consultations](http://www.scotland.gov.uk/consultations) (<http://www.scotland.gov.uk/consultations>)

The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

⁴ <http://www.scotland.gov.uk/consultations>

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