



## A Guide to Public Bodies in Scotland



SCOTTISH EXECUTIVE

**Making it work together**

# Foreword



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Public bodies play an important part in public life in Scotland. This 'Guide to Public Bodies in Scotland' meets a commitment made during the Review of Public Bodies carried out in 2001 to explain clearly to the public the role that public bodies play in the work of the Scottish Executive and what is expected of them.

The Review allowed us to look again at the place of public bodies in delivering government services in Scotland, taking account in particular of the changed circumstances following the creation of the Scottish Parliament in 1999. Its recommendations re-emphasised our commitment to ensuring that each public body has a genuine role to play, achieves Best Value from its resources and improves continuously in every aspect of performance and service. We want our public bodies to reflect the modern world – to be open and accountable in what they do and to deliver high quality and responsive services to the people they serve.

We also want to raise awareness and understanding of the work which public bodies do, in part to counter some common misconceptions and unfair criticisms. We want people to be clear about why a body exists, what tasks it carries out on behalf of government, what information it holds and how this can be obtained. We want to be open about the people who are appointed to serve on the boards of public bodies, and to encourage a broader cross-section of people to apply. We want greater recognition of the hard work put in by the board members and staff of our public bodies, and the positive difference which that makes to all our daily lives.

This 'Guide to Public Bodies in Scotland' is part of that process. I hope that you will find it an interesting and informative read.

*Andy Kerr*

# Introduction

What have public bodies ever done for you? The answer may surprise you!

**If** you enjoy holidays and day visits in Scotland playing or watching sport, the Arts, walking the hills, visiting museums and galleries, going to the pictures or watching television...

**If** you care for the environment, want it protected from pollution, our wildlife to prosper, safe and reliable water and sewerage services...

**If** you have visited a doctor or hospital...

**If** you work in a job directly or indirectly created by the efforts of Scottish Enterprise or Highlands & Islands Enterprise...

**If** you have travelled on a ferry or a plane to one of Scotland's islands...

**If** you have been to school in Scotland, taken a further or higher education course, or participated in a community learning scheme...

**If** you have been awarded legal aid...

...then you will have benefited from the services provided by Scotland's public bodies.

There are few areas of life in Scotland, which do not depend to a degree on public bodies. Jobs, health, education, tourism and recreation, the environment, travel, health, the law – public bodies make a contribution in all these areas, working in partnership with the Scottish Executive, local authorities, voluntary and community organisations, businesses and individuals.

**This guide provides information on the public bodies which are the responsibility of the Scottish Executive.**

# What is a Public Body?

Public bodies are defined as:

Bodies which have a role in the processes of national Government, but are not a Government department or part of one, and which accordingly operate to a greater or lesser extent at arm's length from Ministers.

In simple terms, this means a national or regional public body, carrying out its day-to-day work independently of Ministers, but for which Ministers are ultimately accountable.

Most public bodies are known in Government circles as 'Non-departmental Public Bodies' (NDPBs). They are often referred to by others as 'quangos' ('quango' derives from the name under which these bodies were previously known – 'quasi-autonomous non-governmental organisations').

These terms cover a wide and diverse range of organisations of varying size and responsibilities:

- Executive NDPBs
- Advisory NDPBs
- Tribunals
- Public Corporations and Nationalised Industries
- National Health Service Bodies



# Executive NDPBs

- are normally established by statute such as an Act of Parliament or Royal Charter;
- carry out administrative, commercial, executive or regulatory functions on behalf of Government;
- provide specialist advice to Ministers and others;
- have a national remit;
- have a board whose members are appointed by Ministers or by the Queen on behalf of Ministers, and which meets at least quarterly;
- employ their own staff, who are not civil servants; and
- manage their own budgets.

The Scottish Executive is responsible for the following Executive NDPBs:

Accounts Commission for Scotland  
Crofters' Commission  
Deer Commission for Scotland  
Hannah Research Institute\*  
Highlands & Islands Enterprise  
Learning & Teaching Scotland  
Macaulay Land Use Research Institute\*  
Moredun Research Institute\*  
National Galleries of Scotland  
National Library of Scotland  
National Museum of Scotland

Parole Board for Scotland  
Rowett Research Institute\*  
Royal Botanic Garden, Edinburgh  
Royal Commission on the Ancient & Historical Monuments of Scotland  
Scottish Agricultural Wages Board  
Scottish Arts Council  
Scottish Children's Reporter Administration  
Scottish Commission for the Regulation of Care  
Scottish Conveyancing & Executry Services Board\*  
Scottish Criminal Cases Review Commission  
Scottish Crop Research Institute\*  
Scottish Enterprise  
Scottish Environment Protection Agency

Scottish Further Education Funding Council  
Scottish Higher Education Funding Council  
Scottish Homes<sup>1</sup>  
Scottish Hospital Endowments Research Trust  
Scottish Legal Aid Board  
Scottish Medical Practices Committee\*  
Scottish Natural Heritage  
Scottish Qualifications Authority  
Scottish Screen  
Scottish Social Services Council  
Sportscotland  
Visitscotland  
Water Industry Commissioner for Scotland

\*In line with the recommendations in 'Public Bodies: Proposals for Change' (Scottish Executive, 2001) these public bodies will shortly be abolished or declassified.

<sup>1</sup>Communities Scotland is new in existence as an Executive Agency, with Scottish Homes remaining as an NDPB and retaining some functions until its eventual wind-up in 2003.

# Advisory NDPBs

- are normally established by Ministers or, less commonly, by statute;
- provide independent expert advice to Ministers and others or input into the policy-making process in a particular subject area;
- have a national remit;
- have a board whose members are appointed by Ministers or by the Queen on behalf of Ministers, and which meets at least once a year;
- do not normally employ staff (administrative support is normally provided by Scottish Executive staff); and
- are not normally responsible for budgets or expenditure other than remuneration (where paid) and expenses for Board members.

The Scottish Executive is responsible for the following Advisory NDPBs:

Advisory Committee on Sites of Special Scientific Interest

Ancient Monuments Board for Scotland\*

Building Standards Advisory Committee

Central Advisory Committee on Justices of the Peace (Scotland)

Fisheries (Electricity) Committee

General Teaching Council for Scotland

Hill Farming Advisory Committee for Scotland

Historic Buildings Council for Scotland\*

Justices of the Peace Advisory Committees (32)

Local Government Boundary Commission for Scotland

Mobility and Access Committee for Scotland

Royal Fine Art Commission for Scotland

Scottish Advisory Committee on Distinction Awards

Scottish Advisory Committee on the Medical Workforce

Scottish Industrial Development Advisory Board

Scottish Law Commission

Scottish Records Advisory Council

\*In line with the recommendations in 'Public Bodies: Proposals for Change' (Scottish Executive, 2001) these public bodies will shortly be abolished or declassified.

# Tribunals

- are established by statute;
- are responsible for tasks and advice relating to specialist areas of the law;
- act independently of the Scottish Executive, decide the rights and obligations of private citizens towards each other or Government Departments or other public authorities;
- carry out judicial functions but are separate from the formal court system;
- have both specialist and lay members;
- do not employ staff; and
- are not responsible for budgets or expenditure other than remuneration (where paid) and expenses for tribunal members.

The Scottish Executive is responsible for the following  
Tribunal NDPBs:

Bus User's Complaints Tribunal

Children's Panels (32)

Land Tribunal for Scotland

Rent Assessment Panel for Scotland

# Public Corporations and Nationalised Industries

- are industrial or commercial enterprises under direct Government control;
- have a board whose members are appointed by Ministers, and which meets at least quarterly;
- employ their own staff, who are not civil servants; and
- manage their own budgets.

The Scottish Executive is responsible for the following:

## Nationalised Industries

Caledonian MacBrayne Ltd  
Highlands & Islands Airports Ltd  
Scottish Transport Group\*

## Public Corporations

Scottish Water

\*In line with the recommendations in 'Public Bodies: Proposals for Change' (Scottish Executive, 2001) this public body will shortly be abolished or declassified.

# National Health Service Bodies

- provide management, technical or advisory services within the NHS;
- have a board whose members are appointed by Ministers;
- normally employ their own staff, who are not civil servants; and
- normally manage their own budgets.

The Scottish Executive is responsible for the following National Health Service Bodies:

Clinical Standards Board for Scotland

Common Services Agency for NHSScotland

Health Boards (15)

Health Education Board for Scotland

Health Technology Board for Scotland

Mental Welfare Commission for Scotland

NHS 24

NHS Education for Scotland

Scottish Ambulance Service for Scotland

Scottish Hospital Trust\*

State Hospitals Board for Scotland

\*In line with the recommendations in 'Public Bodies: Proposals for Change' (Scottish Executive, 2001) these public bodies will shortly be abolished or declassified.

# Public Bodies in Scotland

The Scottish Executive is currently responsible for around 150 public bodies in total. However, this number is scheduled to decrease as action arising from the Public Bodies Review carried out in 2001 is implemented.

The total expenditure by public bodies sponsored by the Scottish Executive in 2000/2001 was £7,894 million. National Health Service Bodies spent around 70% of this figure. Outwith the NHS, budgets ranged from £445 million for Scottish Enterprise to most of the Advisory NDPBs and Tribunals which incur no expenditure other than expenses.

Not all public bodies in Scotland are the responsibility of the Scottish Executive. Some public bodies deal with 'reserved' matters and are therefore the responsibility of Whitehall Departments. Details of these bodies can be found in the Cabinet Office publication '**Public Bodies 2001**'. Copies of the 2001 version, together with earlier editions, are available from the Cabinet Office Website [www.cabinet-office.gov.uk/quango](http://www.cabinet-office.gov.uk/quango)

# Why do we need Public Bodies?

Public bodies have a long history in Scotland and have played an important and distinct role in advising government and delivering services to the public. They are normally established to carry out tasks which it would be inappropriate for legal or other reasons for mainstream Scottish Executive Departments to do.

## We have public bodies because they:

- are the best and most cost-effective way in which to deliver some of our public services;
- can operate with a degree of independence from Ministers, and provide expert independent advice on technical, scientific or other complex or sensitive issues;
- can deal with government functions, which for legal or other reasons must be free from political interference or direct Ministerial input;
- can operate flexibly, in ways that may not be open to Executive Departments – for example, in building partnerships with other organisations, taking commercial and entrepreneurial decisions and operating at a local level;
- allow the public sector to benefit from the skills, knowledge, expertise and commitment of the lay people who sit on their boards; and
- can focus in depth on clear and specific functions and purposes.

# What is the Scottish Executive's policy on Public Bodies?

The Scottish Executive is committed to the continual improvement and modernisation of Scotland's public services. It supports public bodies which:

- have a distinct role to play and functions to perform that are best done by a public body;
- are clearly accountable to Ministers and the people whom they serve;
- work in a joined-up way with others and draw new people into the processes of government; and
- are properly run, efficient and effective, and deliver value for money.

Public bodies that no longer meet these criteria will be abolished.

For those public bodies that remain, the Scottish Executive is introducing measures that will:

- strengthen their accountability to Ministers, the Scottish Parliament and the public;
- ensure that public bodies are open: informing and involving the public in their activities;
- modernise the systems for appointing, paying and training board members;
- encourage people from under-represented sectors of Scottish society (women and disabled people, people from minority ethnic communities, from lower socio-economic groups and from outwith the central belt) to put themselves forward for public appointments;
- establishing an independent Scottish Commissioner for Public Appointments to oversee the appointments process and appoint the Independent Assessors; and
- set clear Codes of Conduct for all board members overseen by the newly established independent Standards Commission for Scotland.

### Recent work includes:

- support of 'work shadowing', to give members of the public an opportunity to 'shadow' an existing board member;
- the introduction of a guaranteed interview scheme for disabled candidates who meet the essential criteria for posts;
- reviewing the complicated system of remuneration for board members, making adjustments where necessary, and working to standardise arrangements for the payment of allowances and expenses for all bodies, including childcare and carer's costs and locum payments to employers who release staff; and
- a Public Appointments and Public Bodies (Scotland) Bill which will be introduced in the Scottish Parliament during 2002 to establish a Scottish Commissioner for Public Appointments and to abolish those statutory bodies identified as no longer being required.

New public bodies will continue to be created where this is clearly the best mechanism for getting work done. However, bodies will only be created where they meet the Scottish Executive's criteria for accountability and openness and where other alternative mechanisms have been ruled out. The Executive is committed to keeping the number of public bodies to a minimum.

# Public Bodies are Accountable

Public bodies operate with a degree of independence from Ministers but they remain under Ministerial control. Scottish Ministers are normally responsible for:

- approving the strategic and policy framework within which the public body works;
- determining the amount of public money which the body receives each year;
- ensuring that the body knows, understands and implements Executive policies and priorities;
- setting an agreed set of annual performance targets for each body to achieve, and ensuring that these are monitored and reported on;
- approving public appointments to the board and setting levels of remuneration (where paid); and
- approving the appointment and pay of the Chief Executive.

All public bodies are reviewed at least once every five years to:

- ensure that the work they do is still required;
- ensure that a public body remains the best way of carrying it out; and
- identify ways in which to develop and improve future performance.

Public bodies can be called to account by the Scottish Parliament through submission and scrutiny of their Annual Report and accounts and appearance in front of Parliamentary Committees.

Public bodies also have a duty to improve and strengthen their links to those who use the services they provide and to the general public.

# Public Bodies are open about what they do

Public bodies are required to be open about the work they do and the information they hold. There are a wide variety of ways in which you can find out more about a public body and, if you wish, comment on or question them about their work:

- all public bodies should publish an Annual Report and, where appropriate, Annual Accounts;
- most public bodies hold open board meetings, which the public can attend. Agendas and minutes should be available on request or via the body's website. A number of bodies also make available their board papers;
- most public bodies hold an Annual Open Meeting, where the public can learn and question them about their work. A number of bodies also hold local open events around Scotland;
- information on the policies and activities of public bodies is publicised in the press and made available in publications and on the Web;
- public bodies should consult the public, partner organisations and local authorities on their key policies and activities, and survey them on their opinions of performance and achievement;
- public bodies should make best use of new technology, through use of the Internet and wherever possible by developing on-line and interactive services; and
- all public bodies work to the Scottish Executive's Code of Practice on Access to Government Information and to Freedom of Information legislation, and will respond to requests for information accordingly.

# Public Appointments

The Scottish Executive is responsible for around 3,600 appointments to public bodies. As far as is possible, boards draw members from a sufficiently diverse range of backgrounds to cover the full remit of the body's work and its main customer groups.

Appointments are for an initial term of between two and five years and generally require a time commitment of between one to three days per month. All posts pay for out-of-pocket expenses such as travel, overnight accommodation and childcare, while some offer additional payment based either on a daily rate or an estimated time commitment per month.

The process for making appointments is open and fair, and all appointments are made solely on merit. The process is overseen by an Independent Commissioner for Public Appointments (legislation to create a Scottish Commissioner for Public Appointments will be introduced in 2002) and independent scrutiny is a mandatory element of every competition. No appointment may be made unless an Independent Assessor has been involved in the process. The Commissioner's role is to regulate, monitor and report on Ministerial appointments to health bodies, non-departmental public bodies, public corporations, nationalised industries and the appointments of the Utility Regulators. The Commissioner does not have responsibility for appointments to Tribunals, but these appointments are made in the spirit of the Commissioner's Code.

All those who serve on the boards of public bodies are expected to adhere to the highest personal and professional standards, and to the body's code of conduct. The Standards Commission for Scotland can investigate any possible breaches of codes by members, and apply sanctions where appropriate.

# How to apply for a Public Appointment

Vacancies on the boards of public bodies are advertised in the press and on the Public Bodies in Scotland website. Applications are welcome from all sections of Scottish society.

At present women, people from minority ethnic communities, disabled people and people from lower socio-economic groups and from outwith the central belt are under-represented. The Executive is committed to addressing this imbalance through improved advertising and measures such as the work-shadow initiative and guaranteed interview scheme for disabled candidates. Progress will be monitored against diversity targets reported annually to the Scottish Parliament.

If you are interested in undertaking work on a public body but you have not identified a particular vacancy, the Scottish Executive's Public Appointments Team maintains a register of those interested in public appointments, and notifies those on the register when suitable vacancies are to be advertised. To add your name to the register, write to:

## **Public Appointments Team**

Scottish Executive  
Saughton House  
Broomhouse Drive  
Edinburgh EH11 3XD

E-mail [public.appointments@scotland.gsi.gov.uk](mailto:public.appointments@scotland.gsi.gov.uk)

# Complaints

Complaints (and commendations) are important in helping public bodies to improve their services and monitor the effectiveness of their activities.

Most public bodies publish on their website the service standards they aim to achieve, and the complaints procedure to be followed when things go wrong.

*In most cases, the procedure is:*

- To raise the complaint with the officer who deals with the issue.
- If this fails to resolve the complaint, then write to the body's Chairman or Chief Executive.
- If this fails to resolve the complaint, then write to the Scottish Public Sector Ombudsman.

# The Public Bodies in Scotland Website

The Public Bodies in Scotland website contains detailed information on all the public bodies sponsored by the Scottish Executive, and on the public appointments to those bodies. It also contains links to the websites of each public body. The website can be accessed via the Scottish Executive's main website

[www.scotland.gov.uk/government/publicbodies](http://www.scotland.gov.uk/government/publicbodies)

Similar information on public bodies sponsored by other Government Departments can be found in the Cabinet Office Public Bodies website

[www.cabinet-office.gov.uk/quango](http://www.cabinet-office.gov.uk/quango)

# Useful Addresses

## The Public Body and Executive Agency Policy Unit

Public Appointments Team  
Scottish Executive  
F1 Spur, Saughton House  
Broomhouse Drive  
Edinburgh EH11 3XD

E-mail [public.appointments@scotland.gsi.gov.uk](mailto:public.appointments@scotland.gsi.gov.uk)

## Public Bodies and Executive Agencies Team

Scottish Executive  
F1 Spur, Saughton House  
Broomhouse Drive  
Edinburgh EH11 3XD

E-mail [Publicbodiesunit@scotland.gsi.gov.uk](mailto:Publicbodiesunit@scotland.gsi.gov.uk)

## Office of the Commissioner for Public Appointments

3rd Floor  
35 Great Smith Street  
London SW1P 3BQ

Email [ocpa@gtnet.gov.uk](mailto:ocpa@gtnet.gov.uk)

## The Standards Commission for Scotland

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