

**DELIVERY OF DISABILITY BENEFIT ASSESSMENT FUNCTION:**  
**AN OUTLINE OPTIONS APPRAISAL**

**Purpose**

This paper sets out an initial scoping of who within the public sector would be best placed to deliver the disability benefits assessments function and in turn be responsible for employing disability benefit assessors.

Three high-level options are explored within this paper: the social security agency, an existing public body and a new public body, with the advantages and disadvantages of each explored. A multi-criteria analysis of these high-level options was also carried out and the results of this analysis are included within the paper. To note, this is not intended to be an exhaustive assessment of the options at this stage but to provide a high level comparison to assess whether a preferred option is emerging and to highlight further work that may need to be undertaken. No detailed financial appraisal of the options has been undertaken at this stage. The next stage would be to produce a strategic business case in order for a final decision to be made.

[Redacted: Exempt under s.30b, FOISA)

**Background**

In April 2017, the Minister for Social Security announced plans for the establishment of the Scottish social security agency, a public body that will oversee the devolved social security benefits in Scotland. The agency will be located centrally with enhanced phone and online support, which will incorporate face-to-face pre-claims and support services locally in existing public sector locations. At the same time, the Minister announced that '*there will be no contracting with the private sector*' to deliver assessments in Scotland, adding that the SG has '*begun to explore the potential to use the existing information and expertise of the health and social care sector*'.

In moving to a new assessments process for disability benefits in Scotland, the guiding principles will be those of dignity and respect for those accessing the system by using a person-centred approach and ensuring that the agency has the right information at the right time, to make the right decision first time. The intention under the new system is that more decisions will be made without the need for face to face assessments through, for example, making greater use of additional supporting evidence.

**Realising the Vision**

Recent work has confirmed that in order to deliver the policy intention of removing the profit motive from the assessment function, it is necessary to identify a delivery mechanism which is out with the scope of public procurement regulations (**Redacted. Exempt under Section 29(1)(a) FOISA**) In practice, this means that the assessments function itself will need to be conferred upon and delivered by a public sector body. Therefore, the current options under consideration are to:

1. Deliver this function directly through the new social security agency;
2. Task an existing public body to undertake this role; or

3. Establish a new public body to undertake this role.

The high-level pros and cons of these options are compared in this paper.

[Redacted: Exempt under s.30b, FOISA)

A fourth 'not for profit' option using third sector providers to carry out assessments on behalf of the agency has also been ruled out based on the procurement advice received (Redacted. Exempt under Section 29(1)(a) FOISA) [Redacted: Exempt under s.30b, FOISA)

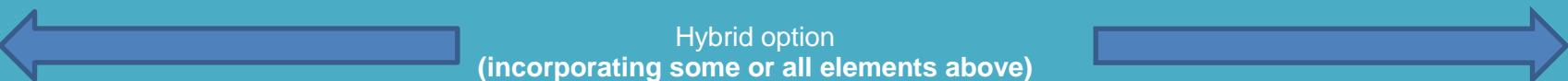
We have additionally examined the suggestion that grant funding could be awarded to a third sector organisation to deliver assessments but this is not a viable option either. Since grant funding cannot be awarded to provide a service or activities on behalf of, or for the benefit of Ministers. Neither can it be used to deliver a service which must be delivered. Additionally, although there are some exceptions to general procurement rules, these are not relevant for the delivery of the assessments function. This would include the Teckal rule which was used recently in relation to CalMac ferries which would require there to be a company or organisation that Scottish Ministers had significant "control" over to , in effect classify it as being "in-house" delivery and to avoid the need to go out to procurement. Further detail is provided in Annex A

Based on the work done to outline the associated pros and cons of the three high-level options identified and the light touch multi-criteria analysis undertaken so far, the initial results suggest that the social security agency is best placed to undertake the assessment function for disability benefits. However, it is clear that further work will be required to fully explore the implications for the agency of undertaking this function. This would include further exploration of the estates and staffing impacts for the agency and the detailed implications of TUPE.

In addition, within each high-level option, there are different ways in which assessors could be employed by the employing body – (Redacted. Exempt under Section 29(1)(a) FOISA) Consideration is given to this at the end of the paper although further detailed work will be required once the preferred employing body is determined. These employment options are included in the following table together with an overview comparison of the three high-level options.

<b>Delivery Body</b>	<b>1. Social security agency</b>	<b>2. Existing Public Sector Body (<i>whose function is extended to deliver disability benefit assessments</i>)</b>	<b>3. Creation of new Public body (<i>with a function to deliver disability benefit assessments</i>)</b>
<b>Strategic Fit / Alignment</b>	Closer working with other parts of system; opportunities for more streamlined continuous improvement and audit functions; can utilise information-sharing arrangements agreed for Scottish Ministers/ agency	Existing body will have own strategic focus; may not be directly aligned with that of social security; Will require additional processes to feed assessment outputs back to the agency; will require additional information-sharing agreements to be put in place. There will also need to be a bi-directional interface between the agency and any existing body delivering assessments, so that the information can be married up by both the agency and the body.	Body can be created to strategically align with social security principles/purpose. Will require additional processes to feed assessment outputs back to the agency; will require additional information-sharing agreements to be put in place.
<b>Legislative Impact</b>	No further legislation required to deliver.	Likely to require primary legislation to amend the functions of existing body.	Likely to require further primary legislation to set up a new body.
<b>Financial Impact</b>	Assessment function able to make use of some existing agency infrastructure and central offices in Dundee and Glasgow, however, will still have significant estates/staffing impact and bring additional costs.	Will require additional costs to set up assessment function (but not as much as option 3 as some existing systems and processes may be able to be utilised) There may also be costs associated with setting up integration interfaces in relation to health assessments evidence.	Will involve additional cost to set up new body and may duplicate existing agency functions. and there are likely to be costs again associated with setting up integration interfaces in relation to health assessments evidence.

	Governance	There may also be potential costs associated with obtaining health evidence.		
	Citizen Impact	Agency has tight governance and oversight of the assessments function.	Agency control further removed than agency model but provides independence from agency.	Provides clear independence from agency but may result in a duplication of governance functions. Wider SG policy is to reduce number of additional public bodies
	Deliverability	Keeping assessments function within the agency reduces the complexity of the delivery landscape for social security.	May add to confusion by adding another public body into a complex delivery landscape for social security and may also create confusion around purpose of existing public body.	May add to confusion by adding another public body into a complex delivery landscape for social security.
	Assessor Employment options	Agency still in the process of being established; ability to integrate assessment processes and systems into those of the agency	Body already established with existing systems and processes; if NHS body then likely to have access to clinical expertise.	Would require significant additional work to set-up; no existing systems or processes that could be utilised.
		1(a) Employed directly by the social security agency  1(b) Existing healthcare staff employed part-time via sessional contracts (pool of assessors)  Or mixed model	This would likely be determined by the existing body. This may mitigate some of the risk around employing but would lose direct control.	3(a) Employed directly by the new body  3(b) Existing healthcare staff employed part-time via sessional contracts (pool of assessors)  Or mixed model



Hybrid option  
(incorporating some or all elements above)

## CROSS-CUTTING CONSIDERATIONS

There are some issues which will have an impact regardless of which delivery model is selected as the preferred option.

### **Independence of the assessments function from the wider social security agency**

A key question when considering the options is the relative importance of independence of the assessments function from the agency in terms of the delivery of/recommendations about assessments. The current DWP model uses a contracted delivery partner to carry out the assessments function on behalf of DWP (although this arrangement was possibly more driven by the desire for costs savings than concern over independence of advice). The contractors are independent of DWP (although they have strict contractual guidelines to meet and are paid depending on the number of assessments undertaken) and the assessor reports provide a recommendation to DWP decision-makers. The decision regarding an award is made by DWP taking into account all the evidence available (including the assessor's report) about a case.

If assessors were directly employed by the agency, it could be argued that they are too closely aligned to those making award decisions, thereby impeding their independence or creating a conflict of interest. However, the CAD produced International Comparison of Disability Benefits report suggested that the UK is unusual in contracting out this function and that it is more usual for governments to undertake this function in-house or within the public sector. The UK is also the only country in this report to use privately contracted assessors – though, it is apparent that UK disability benefits have a significantly larger caseload than other countries compared.<sup>1</sup> In addition, historically the UK Government has delivered assessments in house and only begun contracting them to private companies in recent years.

The position in Scotland is also slightly different to the UK as the Scottish Government has already decided to create a separate executive agency to deliver social security benefits rather than retaining the function within central government like DWP.

[Redacted: Exempt under 29(1)(a), FOISA)

### **Difficulties in recruiting disability benefit assessors**

We know from our user research with existing assessors and their employers that there are difficulties in recruiting health care professionals to fulfil the assessor role. There is a low staff retention rate due to the challenging and emotionally draining environment in which assessors operate together with the high level of scrutiny applied within the current DWP system. Attrition rates for healthcare professionals in Scotland are currently around 46%.<sup>2</sup>

We are also aware from user research undertaken with healthcare professionals that many existing healthcare professionals would be reluctant to undertake the role of 'disability analysts'. There are a variety of reasons for this including the perceived tension in moving from a 'caring' role to an assessor mind-set and the fact that many of the professional bodies representing healthcare staff do not actively promote their

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<sup>11</sup> CAD – International Comparison of Disability Benefits.

<sup>2</sup> Note of meeting with DWP and Independent Assessment Services (IAS), 27 July 2017

members' involvement in this work and, in some cases, may discourage members from doing so. It is possible that delivering an improved approach to social security, one that embeds fairness, dignity and respect, may increase willingness amongst healthcare professionals to take up the role of an assessor.

Recruitment and retention is a factor that will apply across each of the options to a greater or lesser extent potentially impacting on our ability to appropriately resource the assessments function [Redacted: Exempt under s.30b, FOISA)

Under the current DWP guidelines, a minimum of two years post-qualifying clinical experience and full registration with the relevant professional body is required for healthcare professionals to become an assessor. Further information on the current qualification and training requirements for existing PIP and IIDB disability benefit assessors are included in Annex C.

In addition to determining the training and qualifications for assessors under the new Scottish system, we will require to consider what rates of pay may be needed to attract healthcare professionals to undertake disability benefit assessor roles. Salaries for PIP assessors are currently in the range of £26,302 - £35,225 per annum. This can rise to salaries in the region of £75,000 for registered medical practitioners who are involved in ESA/IIDB assessments [Redacted: Exempt under s.30b, FOISA) It is likely however that some specialist staff will be required in the assessment process and this is likely to increase the salary costs. It should also be noted that the time taken for assessors to be fully productive is typically around 4-6 months in terms of training this is in addition to the time taken to recruit.

[Redacted: Exempt under s.30b, FOISA)

### **Legislative Impact**

A detailed legal assessment has not yet been undertaken in respect of the current three options. However, from an initial consideration, no substantive legal barriers have been identified regarding any of the options under consideration.

If assessors are contracted or employed by the social security agency, it is likely that no further legislation would be required. However, establishing a new public body or tasking an existing public body could. Therefore provisions to enable this would be required in the Social Security Bill. Any substantive powers should ideally be included at Stage 2 of the Bill to provide parliament sufficient opportunity to scrutinise the provision.

**Redacted. Exempt under Section 29(1)(a) FOISA)**

Setting up a new body would require us to take significant powers at Stage 2 of the Social Security Bill and would require us to set out operational details in regulations. Amending functions of an existing NDPB may not require primary legislation. Information sharing provisions within the Bill would not apply and separate provision would be required.

A special health board (either setting up or amending existing functions) would not require primary legislation and could be done in secondary legislation. Information sharing provisions within the Bill would possibly not apply and separate provision could be required.

## DISCUSSION OF OPTIONS (WITH ASSOCIATED HIGH-LEVEL PRO AND CONS)

### Option 1 - The new Scottish Social Security Agency

In this option, the social security agency would deliver the assessments function in-house [Redacted: Exempt under s.30b, FOISA)

Importantly, this agency option offers the opportunity for the assessments function to be closer to the ethos and culture of the new agency as it develops, focussed around dignity and respect to citizens. User research indicates that the negative “culture” within the current assessment process is one of the key reasons that citizens feel that the current process doesn’t work and often results in stressful and humiliating experiences for those have a face to face assessment.

Providing the agency with more direct control of the assessments function enables it to oversee a key part of the user journey for those applying for disability benefits, particularly during the initial phase where establishing and embedding a new culture is particularly important, making it simpler to embed a continuous improvement approach to delivery. Individuals were subjected to long waiting times when DWP did not have the ability to tackle significant backlogs for assessments when private sector contractors failed to deliver. By including assessments as a key function of the agency it would enable greater control of the day-to-day operation rather than relying on a third party to meet its commitments and risks commonly associated with a contract management approach would be avoided.

The agency would have to take on the challenge of the recruitment and retention of healthcare professionals to fulfil the role of assessors [Redacted: Exempt under s.30b, FOISA) Further detailed consideration will need to be given about how the assessments function would interact with the agency’s local delivery presence.

Pros	Cons
<ul style="list-style-type: none"> <li>• Clear accountability.</li> <li>• Provision defined and directly controlled by agency.</li> <li>• Agency control on performance and quality with a focus on the ‘how.’</li> <li>• Increased connection of assessment staff with agency – potentially higher levels of engagement and appreciation of the importance of the role within the whole process.</li> <li>• Assessors will be part of the agency culture of Diversity, Fairness, Respect, Openness and Transparency etc.</li> <li>• Opportunity for close alignment and joined up approach with other support</li> </ul>	<ul style="list-style-type: none"> <li>• Will have significant additional estates and staffing impact for the agency.</li> <li>• Risk that assessors not seen to be carrying out fair, ‘independent’ and transparent assessments – too close to decision makers.</li> <li>• Direct delivery places reputational risk associated with poor service with agency (although in all options ultimate responsibility for the function will lie with the agency).</li> <li>• In-house solution may limit the flexibility to scale up / down quickly in terms of assessor capacity.</li> <li>• If assessment staff are employed directly by the agency, the agency</li> </ul>

<p>and advisory services offered through the agency.</p> <ul style="list-style-type: none"> <li>• Assessment staff would have access to the agency's IT systems, likely that a simpler, more integrated technical solution could be developed.</li> <li>• Some opportunity for assessment staff to be located within the agency estates (although will still have an additional impact on agency estates)</li> <li>• Agency wouldn't require to manage contracts for external assessment delivery partners.</li> <li>• Potentially more streamlined audit function for assessments could be developed.</li> <li>• Greater potential for continuous improvement through closer links with other parts of the agency processes e.g. potential to improve speed and quality of decision-making through more frequent and improved communication between assessors and decision-makers.</li> <li>• Agency would have full control over the recruitment of assessors dependent on fulfilling any statutory requirements.</li> <li>• Potential access to CPD, professional registration and learning in an appropriate environment</li> </ul>	<p>would have to absorb the additional costs associated with people not turning up for assessments and them having to be rescheduled – so-called Failure to Attend (FTA) – currently being absorbed by Assessment Providers.</p> <ul style="list-style-type: none"> <li>• [Redacted: Exempt under s.30b, FOISA)</li> <li>• Responsibility for a specialism not previously delivered in the Civil Service in Scotland and not easily redeployed elsewhere in agency or SG.</li> <li>• Increase in directly employed headcount and/or FTE for agency.</li> <li>• Responsibility to provide working space, equipment and provision of health and safety measures.</li> <li>• If assessment staff are employed directly by the agency, the agency will experience the difficulties that the current assessment providers experience in recruiting and retaining healthcare practitioners (staff turnover high).</li> <li>• Agency would be directly responsible for training, development and any ongoing professional CPD required for assessment staff. Will require poor performance measures, directly by the agency.</li> <li>• Arrangements for facilities to undertake local assessment would need to be established.</li> </ul>
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### **Option 2 - Existing Public Body has its functions extended to deliver disability assessments on behalf of the agency.**

The second high-level option is dependent on whether there is an existing Public Body that could be a suitable and appropriate candidate for delivering the disability assessment function on behalf of the agency. This approach would have the potential advantage of having more independence from the agency whilst not having the significant set-up costs involved in creating a new public body. It would allow the utilisation of some existing systems and processes within the existing body. However, the governance function (and control over the process) would be further removed from

the agency and the assessments function would be embedded within another organisation's existing ethos and culture which may not fully align with that of the agency, thus possibly making it more difficult to embed agency values and principles. Additionally, existing bodies will have a core purpose for which they were established, i.e. not for the purposes of delivering social security benefits functions, and these may at times compete with or overshadow the delivery of the assessments function.

Pros	Cons
<ul style="list-style-type: none"> <li>• Perception that assessments more independent (and more trusted) as not being carried out by the agency. However, this only applies to NDPBs which are independent from SG/Ministers while maintaining an arm's length relationship.</li> <li>• SG may have some influence to compel existing bodies to take on this function.</li> <li>• Amendments could be made relatively quickly to the existing functions of a public body through legislation (subject to legal considerations around scope).</li> <li>• If the existing body were a health body, such as NSS, it may facilitate improved access to existing health and social care data and encourage data sharing agreements between the two organisations and more likely to have access to clinical expertise.</li> <li>• Ongoing training and development of assessors would not have to be done by the agency.</li> <li>• Potential access to CPD, professional registration and learning in an appropriate environment.</li> </ul>	<ul style="list-style-type: none"> <li>• Agency would have less control over operations, expectations of delivery partners need to be very clearly set out; need to define and enforce via SLAs.</li> <li>• Using an existing body could result in competing priorities – there is a risk that assessment delivery could suffer if it is not the sole focus on senior management as they are not directly linked to other functions. Likewise delivery of assessments could draw so much resource that their existing functions suffer.</li> <li>• Some existing bodies would not be deemed independent, for example, health boards as they can be directed by Scottish Ministers.</li> <li>• There may not be a willingness amongst existing bodies to take on this work.</li> <li>• There is no existing body providing similar functions on a large scale, significant work would be required to scale up and restructure any existing body.</li> </ul>

[Redacted: Exempt under s.30b, FOISA)

(Redacted. Exempt under Section 29(1)(a) FOISA)

The table, in Annex E, sets out the current functions and governance arrangements for each of these bodies, along with current step-in powers for Scottish Ministers. It lists a range of possible pros and cons for each body and makes an initial assessment as to the feasibility of using that body to deliver assessments.

[Redacted: Exempt under s.30b, FOISA)

[Redacted: Exempt under s.30b, FOISA) For example, use of a special health board would require us to demonstrate that assessments are being undertaken for health service purposes as noted above.

**Option 3 - New Public Sector body is created with the function of delivering disability assessment on behalf of the agency.**

The third option is the creation of a new public body to deliver disability benefits assessments and employ assessors on behalf of the agency. Setting up a new public body would have a number of advantages including the provision of independent advice on assessments back to the agency, ability to foster the same set of ethos and values of the agency itself and, importantly, it would be focussed solely on the purpose of delivering assessments, hence avoiding some of the challenges of embedding an assessments function within an existing public body. However, this option has to be viewed in light of wider Scottish Government policy on new public bodies as there is a strong presumption against setting up an entirely new body unless absolutely necessary. General advice is that functions should be subsumed within an existing body where at all possible.

In this case, it may be difficult to argue that, given the agency is being created for the purpose of delivering social security in Scotland, it is necessary to create a an additional public body solely to deliver the assessments function (**Redacted. Exempt under Section 29(1)(a) FOISA**)

Pros	Cons
<ul style="list-style-type: none"> <li>• New public body would have a specific focus on delivering assessments so could focus on 'getting it right'.</li> <li>• Provides a level of independence from agency in terms of the assessment function.</li> <li>• Training and ongoing development of assessors would not have to be done by the agency.</li> <li>• <b>Redacted: Exempt under s.30b, FOISA</b></li> <li>• Agency could still exercise control through SLA's and close working relationship with the new body.</li> </ul>	<ul style="list-style-type: none"> <li>• Likely to require very significant additional resources, with costs associated with setting up a new body, in addition to the agency staff and in relation to recruiting to staff the new body.</li> <li>• Additional estates costs (building procurement/ rental costs).</li> <li>• Additional time taken to set up new body. May be difficult to set-up given our timescales, if an NDPB, regulations alone could take up to 7 months to consult, draft and agree with Parliament.</li> <li>• Potential public and political criticism of the Scottish Ministers/Agency – asking why <i>another</i> body requires to be set up in addition to the social security agency.</li> <li>• Relevant data sharing agreements would require to be negotiated for the new public body so that the assessors could have access to the appropriate information – both from the Agency and others.</li> </ul>

	<ul style="list-style-type: none"> <li>• Risk that regulations are not agreed by parliament given the contentious nature – risks significant delay.</li> <li>• Would potentially be doubling up on governance (and other) functions with the agency.</li> <li>• If the new body was a Health Board they would not be independent from SG/Ministers and would require lines of accountability to Chief Executive of NHS Scotland.</li> </ul>
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The guidance on “[Establishment of New Public Bodies](#)<sup>3</sup>” sets out the process for setting up a new public body. The guidance makes clear that there needs to be a “*rigorous assessment about the need for a new public body before any consideration is given to developing formal proposals for the establishment of such a body.*” Formal proposals need to be prepared that demonstrate that the new body would meet the following requirements:

- Have a distinct role to play and functions to perform that are relevant for government to be fulfilling even at arms-length from Ministers and which cannot be carried out at least as effectively by any other organisation;
- Be clearly accountable to Scottish Ministers or the Scottish Parliament and the people whom they serve for the functions it performs;
- Be able to work in a joined up way with other organisations and be able to draw money and best value; and
- Will not have freestanding support services.

Formal proposals should also be supported by an Outline Business Case, including the estimated costs of setting up and running the new public body and the “*benefits, efficiency savings and service improvements it will be expected to deliver.*” The type of public body necessary is determined by its arm’s length relationship with Ministers and the functions that it will be required to perform. There are various considerations when determining the most suitable type of Ministerial relationship and constitutional arrangements for a new public body including whether the proposed functions could be performed by existing organisations in or outwith the public bodies landscape. The delivery of a disability benefits assessment function would be likely to be categorised as a *public service delivery function* providing products and services to end users although there are also *health service functions* which are related to tasks carried out within or in support of NHSScotland. The latter may be harder to argue as, while the functions may be carried out by healthcare professionals, some of whom may also work in the NHS, the work is not directly related to improving health outcomes.

Given the functions, then the possible options could be establishment of an Executive Agency, an Executive Non Departmental Public Body (NDPB) or possibly a health body (such as a special Health Board). There would be some advantages to

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[http://saltire/Documents/Our%20organisation%20documents/Guidance\\_on\\_Establishment\\_of\\_New\\_Public\\_Bodies.pdf](http://saltire/Documents/Our%20organisation%20documents/Guidance_on_Establishment_of_New_Public_Bodies.pdf)

establishing an Executive Agency such as: not requiring legislation, being relatively quick to set up (compared to other forms of public bodies), and an ability to use SG in-house IT systems. However, the crux is that it involves setting up a new agency in addition to the new social security agency. Chief executives of Executive agencies are directly accountable to Ministers so the governance and accountability arrangements for an agency set up to deliver the assessments function would be complicated as a separate mechanism, such as a memorandum of understanding would be required in order to create a link back to the social security agency.

**Redacted: Exempt under s.30b, FOISA)**

### **Indicative Costs**

As noted above, there are likely to be greater costs associated with setting up a new public body than with the other options being considered. In order to provide a general indication of possible costs, examples of set up costs for some recently established public bodies are provided below. However, it may be that the size and scale of a body required to undertake delivery of assessments may result in greater costs.

**Health Improvement Scotland** - According to the Financial Memorandum for the [Public Services Reform \(Scotland\) Bill](#) (see page 60), estimate of costs to establish HIS, were:

- 2008-09 + 2010-11 = £1,865 million
- 2011-12 = £1,145 million
- 2012-13 = £1,850 million
- 2013-14 = £700,000.

**Children's Hearings Scotland** - From the Financial Memorandum ([link available here](#)), table 2 on page 75 sets out how much the new arrangements have cost:

- 2011-12 = £2,414 million
- 2012-13 = £968,000
- 2013-14 = £616,000

**Creative Scotland** - According to the Financial Memorandum for the Public Services Reform (Scotland) Bill, estimated costs to establish Creative Scotland, were:

- 2008-09 + 2010-11 = £3,104 million
- 2011-12 = £126,000
- 2012-13 = £85,000
- 2013-14 = £57,000

**Redacted: Exempt under s.30b, FOISA)**

## MULTI-CRITERIA ANALYSIS RESULTS

The three options discussed in this paper have been appraised using a Multi-Criteria Analysis technique. Multi-criteria analysis (MCA) refers to a set of techniques for comparing policy options without assigning monetary values to their impacts. MCAs are a good alternative to Cost-Benefit Analysis (used widely across the public sector) where there is insufficient information about monetary values or deriving those is impractical.

Information about the advantages and disadvantages of each option gathered by officials within the Social Security Programme, was distilled using a subset of criteria used to appraise delivery models in the Outline Business Case for the Scottish social security agency.<sup>4</sup> The OBC criteria were developed in conjunction with stakeholders, based on the principles from the Creating Fairer Scotland paper, as well as outcomes that have been set out in other Scottish Government strategy documents. It is important to note that the options in this appraisal were developed by Programme officials prior to the workshop. This analysis is based on the outputs of a workshop - where officials from the Social Security Programme, Agency, Policy, and Communities Analysis collated and condensed the information gathered previously using the MCA framework.

The pros and cons listed for each option above were taken into account but only where they were relevant from a wider SG and societal perspective. Extract below from the HM Treasury's supplementary Green Book guidance discussing the use of MCA:

*"The Treasury Green Book states that analysis within government is concerned with effects "on the national interest". However different institutions might interpret this in different ways, to reflect for example the views of experts, Ministers, senior officials, public opinion, or those directly affected by the decision. A broadly satisfactory criterion which appears to underlie many Cost-Benefit Analysis valuations is that they should reflect the informed preferences of people as a whole, to the extent that these preferences can be measured and averaged. This argues in favour of ensuring that the objectives included in any MCA analysis are sufficiently wide to encompass the main concerns of people as a whole. But after analysis, there will always be further strategic or pragmatic issues to which those responsible for final decisions must also give weight."* (Multi Criteria Analysis: a manual, p12, 2013),<sup>5</sup>

<b>Option MA1</b> Social Security Agency	Deliver disability benefit assessment function directly through the new social security agency.
<b>Option MA2</b> Existing Public Body	Task an existing public body to undertake disability benefit assessments.

<sup>4</sup> Scottish Government (April 2017), ['Outline Business Case for the Agency for Social Security in Scotland'](#)

<sup>5</sup> Communities and Local Government, Green Book supplementary guidance: multi-criteria decision analysis (2013) <https://www.gov.uk/government/publications/green-book-supplementary-guidance-multi-criteria-decision-analysis>

<b>Option MA3</b> New Public Body	Establish a new public body to undertake disability benefit assessments.
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It should be emphasised that further more detailed work of the three options could allow for richer analysis. For example, being able to identify precisely which existing public body would deliver option MA2, or identifying exactly what remit and structure the new body in MA3 would have. Additionally, some of the criteria were deemed redundant because the detail of the assessment process is still being developed through service design activity. Consequently, the results presented here should be treated as indicative only.

However, the indicative results were conclusive, with MA1 – the agency delivering assessments in-house ranking higher than the other two options on 4 out of 5 criteria (see **Error! Reference source not found.**). Option MA2 – an existing public body delivering assessments – outranks the agency in the category ‘Implementability and Risk’**Redacted: Exempt under s.30b, FOISA**

Each of the individual criteria was used to rank the three options in terms of their strength in meeting the criteria in a positive way. It should be noted that no specific scores were attached to options – all rankings were relative. For example, in some cases the differences between options could be marginal and in other cases more significant. To quantify the differences would have added another layer of complexity to the exercise and there was insufficient information available to justify such precision. Hence simple rankings, where options were placed in a certain order depending on whether they were better or worse than every other option, were employed.

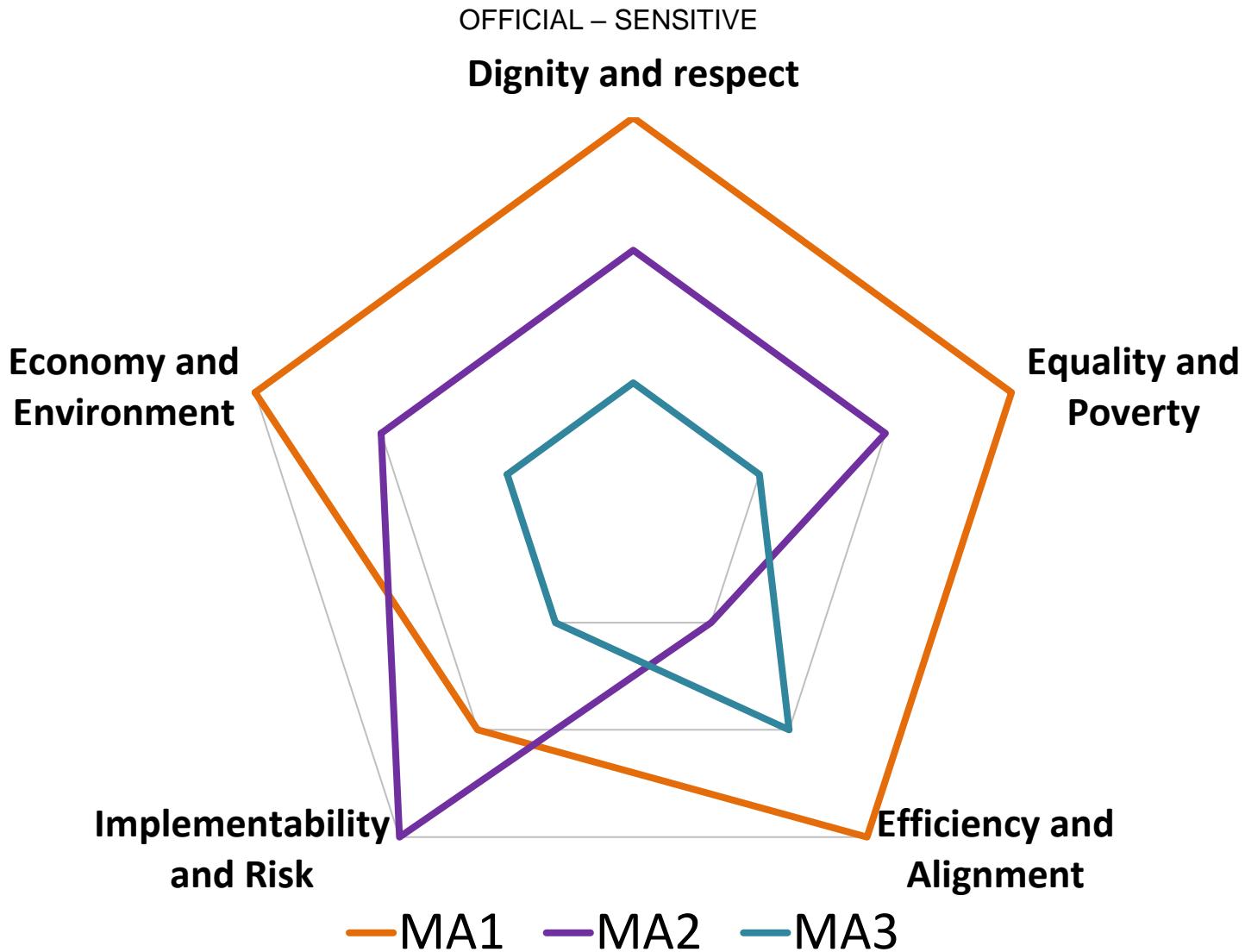


Figure 1– Assessment Delivery Model MCA scoring

**Assessment delivery Model MCA Results**

Criteria		Strongest	2nd	Weakest	Comments
<b>Dignity and Respect</b>					
1	Flexibility, choice and communication <sup>6</sup>				It was not relevant or possible to rank options against this criterion.
2	Simplicity and support alignment				It was not relevant or possible to rank options against this criterion.
3	Disability assessments				Since this option appraisal was focussed on the body delivering disability assessments, it was found to be irrelevant to rank them against this criterion.
4	Governance and accountability	MA1	MA2	MA3	It was agreed that involvement of another organisation in options MA2 and MA3 would add to the complexity of the delivery system and potentially cloud the lines of governance and accountability. For example, it could complicate the complaints process with lack of clarity around where complaints should be directed and challenges around tracing responsibility. Although accountability would ultimately sit with the agency, different kinds of complaints would have to be dealt with at different levels. There could be challenges around assigning complaints, potentially replicating the challenges faced in the current DWP contracted out system. For example, under MA2 and MA3, the other body would be accountable for the process of assessment whilst the agency as the decision maker would be accountable for the outcome of assessment.
5	Organisational culture	MA1	MA2	MA3	There is a risk that in MA2 and MA3 the principles of dignity and respect are more difficult to instil and monitor, due to the separation from the agency. However, it may be easier to instil an ethos of dignity and respect in a new bespoke public body than an existing one.

<sup>6</sup> N.B. greyed out criteria were deemed irrelevant or not possible to rank options against for the purposes of this MCA . They are included here to provide continuity with previous Scottish Government options appraisals.

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6	Public perception of claimants	MA1	MA2	MA3	<p>Public perceptions are expected to be driven in part by the success of creating a dignity and respect based organisational culture, as well as making the right decisions on eligibility and level of award. MA1 was ranked highest in terms of likelihood of creating the right culture.</p> <p>The quality of decision making is expected to be more dependent on the approach to assessment rather than the organisation that delivers it.</p> <p><b>Redacted: Exempt under s.30b, FOISA)</b></p> <p>The creation of another new public body might negatively affect public perception, which is why MA3 was considered weakest on this criterion, although it should be acknowledged it could signal intent to get the assessments right.</p>
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**Equality and Poverty**

7	Interaction with various groups	MA1	MA2	MA3	<p>Local delivery is essential for all options to ensure that assessments are accessible. Because of this, this criterion was difficult to rank options against, since work is on-going regarding the design of the local delivery service.</p> <p>It was agreed that gathering higher quality initial evidence should mean less contact with individuals. This is in line with Ministerial commitments to reduce the number of face-to-face assessments.</p> <p>However, options MA2 and MA3 both add an additional step between individuals and the agency, potentially stretching the link between the agency and individuals, and making interaction more difficult.</p> <p><b>Redacted: Exempt under s.30b, FOISA)</b> For this reason MA1 was considered to be strongest on this criterion, whilst MA2 was ranked second because of some existing public bodies such as the NHS already interact with various groups.</p>
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8	Take up				It was not relevant or possible to rank options against this criterion.
9	Income and poverty				It was not relevant or possible to rank options against this criterion.
10	Consistency and fairness	MA1	MA3	MA2	<p>Ranking against this criterion is likely to be dependent on the assessment process, as much as on the organisation which delivers assessments. Since this process is still being designed, ranking here is necessarily partial.</p> <p>In options MA2 and MA3, if information-gathering is carried out by the agency whilst assessments are outsourced, there could potentially be less consistency in outcomes. The additional layer of complexity could increase the chance of error, and may also make it harder to monitor outcomes. If the agency delivers assessments, it may be able to take advantage of existing data-sharing arrangements to ensure greater consistency, and make monitoring easier.</p> <p>It was noted that a separate body would have independence from the agency, which may improve fairness, but this could create a lack of 360 degree feedback for assessors in the context of the wider system, negatively impacting on consistency and limiting the opportunity for continuous improvement. Assessments by the agency may give better consistency through utilising existing channels for feedback. In the agency model, incremental improvements driving consistency may be easier to implement due to organisational and administrative integration.</p> <p>One advantage of a new public body would be that their single focus on assessment (and potentially supplementary advice) may improve consistency. The converse may be true of an existing public body, which may be operationally stretched, and delivering alongside additional remits.</p> <p>It is for these reasons that MA1 and MA3 were ranked joint best on this criterion, whilst MA2 was ranked worst.</p>

**Efficiency and Alignment**

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11	System efficiency and flexibility	MA1	MA2	MA3	<p>Ranking against this criterion is dependent on the structures in place for agency and/or external bodies to effect change. Responsiveness to change is similar in MA2 and MA3, with small changes on the assessment process driven from within being relatively easy to implement. However, in responding to larger changes, MA1 has been ranked highest because of its administrative proximity to Ministers and the Scottish Government.</p> <p>It was agreed that greater efficiency could be achieved through the integration of the assessment function with the work of the agency. Furthermore, the flexibility to respond to changes is also likely to be greater in the agency model, since there would be direct control over internal systems and processes.</p>
12	Alignment with reserved benefit system				It was not relevant or possible to rank options against this criterion.
13	Alignment with other public services	MA2	MA1	MA3	<p><b>Redacted: Exempt under s.30b, FOISA)</b></p> <p>It was agreed that neither MA1 or MA3 would bring significant additional benefits for alignment with other services, and they have been ranked as being similar to each other to reflect this.</p>
14	Control	MA1	MA3	MA2	<p>This criterion was ranked on responsiveness to change in policy - specifically, the dynamics of control necessary to effect changes. MA1 is clearly the least complicated in terms of implementing change at any level, and, as such, is ranked highest.</p> <p>For both external options – MA2 and MA3 – control depends on who the chief executive of either body reports to - for example, if they report directly to Ministers, it may be relatively easy to implement changes. However, there was deemed to be more scope for building levers of control into MA3 than MA2, and this is reflected in the ranking.</p>

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15	Transparency	MA1	MA3	MA2	<p>Transparency is potentially negatively affected when the process of application, assessment, and processing becomes more fragmented. This means that MA1 ranks highest against this criterion, since it keeps the assessment function in-house. Direct scrutiny of the agency, and all of its integrated functions may make transparent reporting and audit easier.</p> <p>In options MA2 and MA3, scrutinising the social security system, for example by Audit Scotland, would be more due to greater level of complexity and decision making. In these models, there is increased potential for responsibilities to be passed up/down the line, and transparency to be lost. MA3 is likely to be marginally easier than MA2 to audit and report on as there would not be an existing organisation with non-social security related functions involved.</p>
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**Implementability and Risk**

16	Scale of change	MA2	MA1	MA3	<p>In this criterion, MA2 is ranked highest since an existing public body would already have frameworks and corporate back-up in place to support transition. <b>Redacted: Exempt under s.30b, FOISA)</b></p> <p>It was noted that option MA1 presents potential challenges in terms of recruitment and contracts, due to strict civil service employment rules. Such challenges may constrain the scale of changes. However, building assessments into the existing agency structure carries less risk than setting up a new public body.</p> <p>MA3 is ranked lowest under this criterion to reflect risks around the new public body being set up in time for disability benefits going live.</p>
17	Timescales	MA2	MA1	MA3	<p>Timescales are tight for all options. Setting up a new public body would require a large resource commitment, and this option may not be possible within the necessary timescale.</p> <p>The most efficient option for getting delivery underway may be to work through an existing public body, and this is reflected in the ranking.</p>

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					If there was scope for a hybrid option, it was agreed that involving an existing public body during the transition may be sensible, to ensure that timescales are met.
18	Risk	MA1	MA2	MA3	<p>There is potential reputational risk under all options. Criticism of the current DWP system, and strong public feelings about assessments, are likely to mean that assessments are closely scrutinised once they are transferred.</p> <p>There is a clear risk in separating the function for assessments from the agency and devolving to an external body, though that risk may be somewhat mitigated if the body is already established.</p>
19	Public perception of system	MA2	MA1	MA3	<p>To some extent, MA2 and MA3 represent a loss of control over the assessment process and outcomes, and this may increase the potential for negative public perception. However, there is also potential that the independence of the assessment function under options MA2 and MA3 could improve public perceptions, by separating assessment and delivery <b>Redacted: Exempt under s.30b, FOISA</b>)</p> <p><b>Redacted: Exempt under s.30b, FOISA)</b></p>

**Economy and Environment**

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20	Medical assessment employees	MA2	MA1	MA3	<p>This criterion was ranked on the potential for recruiting and retaining assessors. It was agreed that terms and conditions of employment were likely to play an important role here.</p> <p><b>Redacted: Exempt under s.30b, FOISA)</b></p> <p>With MA1, the terms and conditions of the civil service could attract assessment employees to the agency.</p> <p>MA3 was ranked as being potentially least attractive, although it was acknowledged that a new body may help to keep the assessment function at arms-length from the agency, protecting job descriptions and allowing a degree of impartiality and independence to staff.</p>
21	Non-assessment employees	MA1	MA3	MA2	<p>MA1 is ranked highest under this criterion to reflect the potential challenge for agency processing staff of engaging with assessors in an external body under options MA2 and MA3. This challenge was seen to be particularly acute in option MA2.</p> <p>It was agreed that this communication may be easier with a new public body, since an opportunity exists to build clear lines of communication and collaboration into its design.</p>
22	Regeneration				It was not relevant or possible to rank options against this criterion.
23	Business development				It was not relevant or possible to rank options against this criterion.
24	Impact on third sector				It was not relevant or possible to rank options against this criterion.
25	Impact on public sector	MA1	MA3	MA2	<p>MA1 and MA3 place the least pressure on other public sector bodies. There is a risk under both options of competing for the same professions with other public sector bodies</p> <p><b>Redacted: Exempt under s.30b, FOISA)</b></p>

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26	Resource consumption	MA2	MA1	MA3	All options require significant resource commitment, however, whilst an existing public body would be able to draw on established resources and share some of the functions. MA1 and MA3 would potentially involve duplication of some functions. Since the agency would be designed with the assessment function in mind, and would potentially have the ability to pool resources, setting up a new public body would likely be the most resource intensive option.
27	Travel and transportation				It was not relevant or possible to rank options against this criterion.

## CONSIDERATION OF POOL MODEL

It was noted at the outset of the paper that there are different ways in which assessors could be employed by the employing body regardless of the delivery mechanism chosen. Redacted: Exempt under s.30b, FOISA)

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**EXCEPTIONS TO PROCUREMENT POLICY****ANNEX A****Non-competitive action**

Buying without holding a competition is called non-competitive action (NCA), and is lawful in exceptional circumstances only in accordance with EU rules on public procurement. The decision on whether to approve an NCA request is made on a case by case basis by Procurement. Situations where approval may be given include:

- Extreme urgency due to unforeseen circumstances, covering the immediate need
- Additional purchases from the same supplier which are necessary due to unforeseen circumstances
- Only one possible supplier being available

For amounts over £10,000 (excluding VAT), approval must be granted in advance by submitting an application form to procurement. They will normally do this within 20 working days, however complex requests may take longer. Based on the situations for granting an NCA as above, this would not be a viable option to pursue for assessments.

**Public Social Partnerships**

Public Social Partnerships (PSPs) are strategic partnering arrangements involving the third sector at an early stage in the design and commissioning of public services. The third sector generally has a deep involvement in the process as a whole.

A PSP typically involves three stages:

- Third sector organisations work with public sector purchases in order to design a service
- Third sector and public sector organisations may conduct a short pilot, which helps to refine service delivery parameters
- The service in question is further developed to maximise community benefit. It is then put out to tender competitively.

**Innovation Partnerships**

Innovation Partnerships are intended to enable the procurement of goods or services which cannot currently be delivered through the options available to the market. This approach allows contractors to work alongside single or multiple partners to develop an innovative solution. Through an Innovation Partnership, a public sector organisation can put a service to tender without specifying the outcome, allowing suppliers to come up with an innovative approach to the service design.

(Redacted. Exempt under Section 29(1)(a) FOISA)

(Redacted: Exempt under s.30b, FOISA)

- Organised grouping of employees with a principal purpose of carrying out the activities

(Redacted: Exempt under s.30b, FOISA)

Principal purpose is something that can change over time and therefore the purpose of any organised grouping must be assessed at the point immediately before the change of provider, and not historically.

(Redacted. Exempt under Section 29(1)(a) FOISA)

- The client must be the same

(Redacted. Exempt under Section 29(1)(a) FOISA)

(Redacted. Exempt under Section 29(1)(a) FOISA)

## EXISTING QUALIFICATION AND TRAINING REQUIREMENTS FOR DWP DISABILITY BENEFIT ASSESSORS

### PIP Assessors

The current PIP Guidance<sup>7</sup> states:

*"All Health Professionals (HPs) recruited for the delivery of PIP assessments (or any parts of these) must meet the following requirements:*

- *Be an occupational therapist, nurse, physiotherapist, paramedic or doctor*
- *Be fully registered with the relevant licensing body (doctors must have a licence to practise)*
- *Have no sanctions attached to registration unless they relate to disability. In individual cases, this requirement may be waived subject to prior written agreement with DWP*
- *Have at least 2 years post full registration experience (this refers to either UK registration or equivalent overseas registration for non-UK HPs) or less than 2 years post full registration experience by individual, prior, written agreement with the Department*
- *Have passed a Disclosure and Barring Service check."*

The PIP Guidance explains in detail about the training and auditing process which must be completed by the assessors. The guidance states assessors must complete four stages which include<sup>8</sup>:

**Stage 1 –Training.** *This should involve all trainee HPs undergoing a DWP-approved training programme, which should include both theoretical and practical simulated assessments (including face-to-face consultations, paper-based reviews and terminal illness advice) to ensure that they can meet the competence and knowledge requirements.*

**Stage 2 –Assessment of Competence.** *Once Stage 1 is complete, the provider should carry out an assessment of whether the trainee HP meets the required competence and knowledge standards. This should include written elements e.g. assessment reports and paper-based reviews and practical elements e.g. advice on terminal illness cases and 130 assessing when face to face assessments are appropriate and when further evidence should be requested.*

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<sup>7</sup> PIP Assessment Guide Part Three – Health Professional Performance, updated on (November 2017) p125

<sup>8</sup> Ibid p129-130

**Stage 3 – Supervision.** Once stage 2 has been successfully completed by the trainee HP, they will have provisional approval to carry out assessments on individuals – both paper-based reviews and face-to-face consultations. At this point the provider should keep evidence to demonstrate that the HP meets the required competence standards. Assessments should initially be supervised until the provider is satisfied that the HP is continuing to meet the required standards in an operational setting. The number of assessments that must be supervised is at the discretion of the provider.

**Stage 4 - Approval-related Audit.** Once Stage 3 has been successfully completed by the trainee HP, they will be able to carry out assessments without supervision but subject to 100% audit until full approval is given by the Department.

Once the four stages have been completed the assessor can then go forward to Stage 5 – Full approval.”

Once the assessor has completed the fourth stage then the provider can apply for the assessor to go to the fifth stage – Full approval.

### **Industrial Injuries Disability Benefit**

The current IIDB Guidance<sup>9</sup> states:

“All Health Care Professionals undertaking medical assessments must be registered Medical Practitioners or Registered Physiotherapists who in addition, will have undergone training in disability assessment medicine and specific training in IIDB. The training includes theory training in a classroom setting, supervised practical training, and a demonstration of understanding as assessed by quality audit.”

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<sup>9</sup> Industrial Injuries Handbook 1 for Medical Advisers Principles of Assessment 5 Final MED-S2/IIDBHB~001(a), published on (2011)

**LIST OF EXISTING PUBLIC BODIES****ANNEX D**

This table details existing public bodies in Scotland, as well as any legislation linked to these.

<b>Executive NDPBs</b>			
<b>Name</b>	<b>Est.</b>	<b>Function</b>	<b>Legislation</b>
Accounts Commission for Scotland	1975	-auditing of local government - consideration of audit reports	Local Government (Scotland) Act, 1973
Architecture and Design Scotland	2005	- implement ' <a href="#">Creating Places</a> '  - promote the value of good architecture and sustainable places	
Bòrd na Gàidhlig	2005	- promotion of Gaelic development  - provide advice to Ministers on Gaelic issues	Gaelic Language (Scotland) Act, 2005
Cairngorms National Park Authority	2003	- to conserve and enhance the natural and cultural heritage of the area  - to promote sustainable use of natural resources  - to promote understanding and enjoyment of the area  - to promote sustainable development of communities	National Parks (Scotland) Act 2000
Care Inspectorate	2011	- regulation and inspection of care facilities  - issue recommendations or requirements for change	Regulatory Reform (Scotland) Act 2014
Children's Hearings Scotland	2011	- improve outcomes and experiences for at-risk children and young people	Children's Hearings (Scotland) Act, 2011
Community Justice Scotland	2017	-providing world-leading standards of community justice in Scotland	Community Justice (Scotland) Act, 2016
Creative Scotland	2010	-support of the arts, screen and creative industries throughout Scotland	Public Services Reform (Scotland) Act, 2010
Crofting Commission	2012	-regulating, re-organising and protecting the interests of crofting  -keeping matters relating to crofting under review	Crofting Reform (Scotland) Act, 2010

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David MacBrayne Ltd	2006	-parent company of CalMac and Argyll Ferries	
Highlands and Islands Airports Ltd	1986	-operation of vital, but loss-making, airports in the Highlands and Islands of Scotland	Civil Aviation Act 1982
Highlands and Islands Enterprise	1965	-strengthen and develop businesses, social enterprises and communities in the area	Highlands and Islands Development (Scotland) Act, 1965
Historic Environment Scotland	2015	- to investigate, care for, and promote Scotland's historic environment	Historic Environment Scotland Act, 2014
Loch Lomond and the Trossachs National Park Authority	2002	-to protect and enhance Loch Lomond and the Trossachs National Park and to safeguard a sustainable future for the area	
National Galleries of Scotland	1985	-cares for, develops, researches and displays Scotland's collection of art  -provide calendar of events to engage the public	National Heritage (Scotland) Act, 1985
National Library of Scotland	1925	-to provide a world-class reference library	National Library of Scotland Act, 2012
National Museums of Scotland	1985	-care for museum collections of national and international importance -present collections to a wide audience	National Heritage (Scotland) Act, 1985
Police Investigations and Review Commissioner	2013	-independently investigate incidents involving the police -review the way police handle complaints from the public	The Police Investigations and Review Commissioner (Investigations Procedure, Serious Incidents and Specified Weapons) Regulations 2013
Quality Meat Scotland	1990	-help Scottish red meat industry improve efficiency and profitability -maximise the industry contribution to Scotland's economy	
Risk Management Authority	2005	-make Scotland safer -reduce risk of reoffending	Criminal Justice (Scotland) Act, 2003
Royal Botanic Garden Edinburgh	1986	-to explore, conserve and explain the world of plants	The Royal Botanic Garden Edinburgh Regulations, 1989
Scottish Agricultural Wages Board	1949	-set minimum rates of pay and holiday/sick pay entitlement for agricultural workers	Agricultural Wages (Scotland) Act, 1949
Scottish Children's Reporter Administration	1996	-facilitate the work of Children's Reporters -to deploy and manage staff to carry out that work  -to provide suitable accommodation for Children's Hearings	Local Government (Scotland) Act, 1994
Scottish Criminal Cases Review Commission	1999	-to review and investigate cases where there is an alleged miscarriage of justice	Criminal Procedure (Scotland) Act, 1995

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Scottish Enterprise	1991	-identify and exploit opportunities to deliver a significant and lasting positive effect on the economy	Enterprise and New Towns (Scotland) Act, 1990
Scottish Environment Protection Agency	1996	-protect and maintain Scotland's vital environmental resources	Environment Act, 1995
Scottish Funding Council	1995	-funding of Scotland's further and higher education institutions	Further and Higher Education (Scotland) Act, 1995
Scottish Futures Trust	2008	-plan and implement infrastructure investment -improve management of existing properties  -secure ways to fund future infrastructure	(Proposed in SNP Manifesto, 2007)
Scottish Land Commission	2017	-provide direction, leadership and strategic thought to land reform in Scotland	Land Reform (Scotland) Act, 2016
Scottish Legal Aid Board	1987	-management of legal aid	Legal Aid (Scotland) Act, 1986
Scottish Legal Complaints Commission	2007	-handle legal complaints -enable complaints against the legal profession to be quickly and effectively resolved	Legal Profession and Legal Aid (Scotland) Act, 2007
Scottish Natural Heritage	1992	-care for and improve Scotland's natural heritage -help people to enjoy nature responsibly	National Heritage (Scotland) Act, 1991
Scottish Qualifications Authority	1997	-accreditation of qualifications (other than degrees) -approval and QA of bodies who enter individuals for qualifications	Education (Scotland) Act, 1996. Amended in Scottish Qualifications Authority Act, 2002
Scottish Social Services Council	2001	-regulation of Scotland's social services workforce	Regulation of Care (Scotland) Act, 2001
Skills Development Scotland	2008	-national skills body, supporting people and businesses to develop and apply their skills	
sportscotland (formerly the Scottish Sports Council)	1972	-to build a world class sporting system for everyone in Scotland	Established by Royal Charter
VisitScotland	2005	-to maximise the economic benefit of tourism in Scotland	Tourism (Scotland) Bill, 2006
Water Industry Commission for Scotland	2005	-set prices for water and sewerage services -monitor and report on Scottish Water's performance  -facilitate competition in non-household water industry	Water Industry (Scotland) Act, 2002

**Advisory NDPBs**

Name	Est.	Function	Legislation
Judicial Appointments Board for Scotland	2002	-to provide the First Minister with recommendations for appointment to judicial office based on merit	Given statutory authority by Judiciary and Courts (Scotland) Act, 2008

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Local Government Boundary Commission for Scotland	1973	-to advise ministers on local government boundaries	Local Government (Scotland) Act (1973)
Mobility and Access Committee for Scotland	2002	-consider matters about the needs of disabled people in relation to transport -advise Scottish Ministers around relevant matters	Transport (Scotland) Act, 2001
Scottish Advisory Committee on Distinction Awards	1998	-to advise on awards given for outstanding professional work by NHS employed consultants	
Scottish Law Commission	1965	-to make recommendations to Government to simplify, modernise and improve Scots law	Law Commissions Act (1965)
Scottish Local Authorities Remuneration Committee	2004	-to advise on Local Authorities payment of remuneration, allowances and expenses incurred by workers	Local Governance (Scotland) Act, 2004

**Tribunals**

Name	Est.	Function	Legislation
Additional Support Needs Tribunals for Scotland	2005	-considers appeals made by parents/young people against decisions relating to provision of educational support	Education (Additional Support for Learning) (Scotland) Act, 2004
First-tier Tax Tribunal for Scotland	2014	-decides appeals against Revenue Scotland decisions	Tribunals (Scotland) Act, 2014
Lands Tribunal for Scotland	1949	-discharge or vary land obligations in Scotland	Lands Tribunal Act, 1949/Land Reform (Scotland) Act, 2003
Mental Health Tribunal for Scotland	2005	-to consider and determine applications for compulsory treatment orders	Mental Health (Care and Treatment) (Scotland) Act, 2003
Parole Board for Scotland	1967	-to ensure prisoners no longer considered a risk to society can serve the remainder of sentences within the community	Prisoners and Criminal Proceedings (Scotland) Act, 1993/Management of Offenders etc. (Scotland) Act, 2005
Scottish Charity Appeals Panel	2006	-Deals with appeals against decisions made by Office of the Scottish Charity Regulator	Charities and Trustee Investment Act (Scotland), 2005
The Upper Tribunal for Scotland	2014	-hears appeals on decisions made by first-tier tax tribunal	Tribunals (Scotland) Act, 2014

**Public Corporations**

Name	Est.	Function	Legislation
Caledonian Maritime Assets Ltd.	2006	-owns ferries, ports and harbours and infrastructure vital for ferry services serving West Coast and Clyde Estuary	
Glasgow Prestwick Airport	2013	-publicly owned airport, supporting 4000+ jobs in the West of Scotland	

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Scottish Canals	2012	-management and maintenance of inland waterways	Transport Act, 1962/Transport Act, 1968/British Waterways Act, 1995
Scottish Water	2002	-provision of water and sewerage services across Scotland	Water Industry (Scotland) Act, 2002
Crown Estate Scotland (Interim Management)	2017	-management of assets including agricultural and forestry land, majority of the seabed, approximately half of the foreshore and some commercial property -ensures assets are enjoyed and developed sustainably	Crown Estate Scotland (Interim Management) Order, 2017

**Non-Ministerial Departments**

Name	Est.	Function	Legislation
Food Standards Scotland	2015	-protect the public from risks to health which may arise through food consumption -advise on how what we eat can promote good health	Food (Scotland) Act, 2015
National Records of Scotland	2011	-collect, preserve and produce information about Scotland's people and history	Public Records (Scotland) Act, 2011
Office of the Scottish Charity Regulator	2003	-consider applications from organisations seeking to become charities -publish and maintain Scottish Charity Register -monitor charities and encourage compliance	Charities and Trustee Investment (Scotland) Act, 2005
Registers of Scotland	2012	-compile and maintain 18 public registers	Land Registration etc (Scotland) Act, 2005
Revenue Scotland	2015	-responsible for administration and collection of Scotland's devolved taxes	Revenue Scotland and Tax Powers (Scotland) Act, 2014
Scottish Courts and Tribunals Service	2010	-administration of courts and tribunals	Judiciary and Courts (Scotland) Act, 2008
Scottish Fiscal Service	2017	-responsible for producing independent forecasts for Scotland -forecasts include tax revenue, social security spending and GDP	Scottish Fiscal Commission Act, 2016
Scottish Housing Regulator	2011	-regulator of registered social landlords (RSLs) and local authority housing services -safeguarding of interests of housing tenants	Housing (Scotland) Act, 2010

**Other Significant Public Bodies**

Name	Est.	Function	Legislation
Audit Scotland	2000	-Audit of 220+ public sector organisations	Public Finance and Accountability (Scotland) Act, 2010

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		-Ensure public money is spent effectively and efficiently	
Convener of School Closure Review Panels	2015	-enhance and strengthen the process of school closures in Scotland	Schools (Consultation) (Scotland) Act, 2010
Court of Lord Lyon	1532	-regulation of heraldry in Scotland	Lyon King of Arms Act, 1592
Drinking Water Quality Regulator	2002	-ensure Scottish Water complies with its duties in terms of the quality of public drinking water supplies	Water Industry (Scotland) Act, 2002
HM Inspectorate of Constabulary in Scotland	1857	-inspection of the efficiency and effectiveness of the Police Service in Scotland	Police (Scotland) Act, 1857
HM Chief Inspector of Prisons in Scotland	1981	-inspection of Scotland's prisons, and provide recommendations	Prisons (Scotland) Act, 1989
HM Chief Inspector of Prosecution in Scotland	2007	-to inspect or arrange for inspection of the operation of COPFS	Criminal Proceedings etc (Reform) (Scotland) Act, 2007
HM Fire Service Inspectorate in Scotland	2005	-to provide independent inspection of the Scottish Fire and Rescue service	Fire (Scotland) Act, 2005
Independent Living Fund Scotland	2015	-enable disabled people to live independently wherever possible	
Scottish Fire and Rescue Service	2013	-to provide a single fire and rescue service for Scotland	Police and Fire Reform (Scotland) Act, 2012
Scottish Police Authority	2013	-holding Police Scotland to account	Police and Fire Reform (Scotland) Act, 2012
Scottish Road Works Commissioner	2005	-improve the quality, planning and co-ordination of road works in Scotland	Transport (Scotland) Act, 2005

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(Redacted: Exempt under s.30b, FOISA)