

Consultation on the Statutory Guidance on the General Purpose for the Scottish Environment Protection Agency and its contribution towards Sustainable Development

Foreword

SEPA's primary purpose is and will remain the protection and improvement of the environment, including the sustainable management of natural resources.

However, the statutory purpose for SEPA introduced by the Regulatory Reform (Scotland) Act 2014 gives recognition to the broader role that SEPA now has and the importance of the environment to our economy and health and wellbeing of our communities.

Although the statutory purpose is new, the need to balance environmental, economic and social considerations is not. Balancing judgements are taken every day by SEPA to enable them to target the issues that matter most.

SEPA's statutory purpose formalises and makes transparent what is already current practice. It helps to provide a line of sight to the Scottish Government's purpose and brings greater consistency, proportionality and accountability to what SEPA delivers.

This approach reflects that we cannot look at issues in isolation and must work collectively to find solutions.

This consultation is not about the principle of the General Purpose for SEPA, which was welcomed by stakeholders and the RACCE Committee during parliamentary scrutiny of the Bill. Rather it is about the Statutory Guidance which sets out how SEPA should deliver it.

As well as providing guidance in respect of how SEPA should carry out its duties and the hierarchy between them, it also sets out guidance on the contribution SEPA should make to sustainable development. The intention is to define the terms used and articulate how they interrelate.

Our work on Better Environmental Regulation is demonstrating wide support for an agenda that supports the environment, communities and the economy. SEPA's role should be to maximise these linkages and demonstrate that they can be, and are, mutually supportive.

I would like to thank all stakeholders who have and continue to engage with this agenda and look forward to hearing your views through this consultation.



PAUL WHEELHOUSE

MINISTER FOR ENVIRONMENT AND CLIMATE CHANGE

Contents	Page
Foreword	i
PART 1 – About this Consultation	2
Objective and Scope of Consultation	2
Questions	2
Duration of Consultation	2
Responding to this Consultation	2
Handling your Response	3
PART 2 – Background Information	4
Statutory Guidance: What is it and why is it necessary?	4
The Regulatory Reform (Scotland) Act 2014	4
Public Service Reform	4
Wider Environmental Challenges	4
An Outcomes-Based Approach	5
Delivery	6
PART 3 - Draft Statutory Guidance on the General Purpose for SEPA and its contribution towards sustainable development	7
Section 20A of “the 1995 Act”	7
Issuance of Draft Statutory Guidance	7
Approach and Outcomes for SEPA	8
Next Steps	8
Annex A – Draft Statutory Guidance	9
Annex B – Consultation Questions	13
Annex C – Respondent Information Form	14
Annex D – The Scottish Government Consultation Process	15

PART 1 – About this Consultation

Objective and Scope of Consultation

The objective of this consultation is to consult on the draft Statutory Guidance to be issued by the Scottish Government to the Scottish Environment Protection Agency (SEPA) with regard to delivery of their General Purpose. The main aim is to offer an opportunity for views to be aired on the Guidance.

Under section 31 (2) of the Environment Act (1995), the Scottish Government must issue Statutory Guidance to SEPA with respect to SEPA's contribution towards attaining the objective of achieving sustainable development. Under section 31 (2A), the Scottish Government may issue Statutory Guidance to SEPA with respect to their general powers and duties.

The Guidance hopes to make clear to SEPA Scottish Ministers' intent regarding their support and encouragement for SEPA's plans to become a better environmental regulator.

This consultation is not seeking views on the new General Purpose set down for SEPA, or on the terms 'sustainable development' or 'sustainable economic growth' explored in the context of this guidance during parliamentary passage of the Act.

Questions

We are primarily asking for your views on whether you think the Statutory Guidance is understandable and useable and whether it reflects the wider ambitions of public service reform. A full list of the Consultation questions can be found at **Annex B**.

Duration of Consultation

This consultation opens on 12 May 2014 and **closes on 4 August 2014**, providing a full consultation period of 12 weeks.

Responding to this Consultation

The Scottish Government wants to make it as easy as possible for those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

Together with traditional methods of response, we are now also welcoming responses using the new online platform Citizen Space. This consultation can also be viewed from Citizen Space, and an electronic response form can be completed and sent to the Scottish Government via the Citizen Space website.

Please send your views and comments on the proposals set out in this document via e-mail, letter, fax, or using the online platform Citizen Space, to the address below:

Email: EQCAT@scotland.gsi.gov.uk

Letter: Environmental Quality Division
Scottish Government
Area 1-D (North), Victoria Quay
EDINBURGH
EH6 6QQ

Fax: 0131 244 0211

Citizen Space: <https://consult.scotland.gov.uk/>

Responses should reach us by **4 August 2014**. Earlier responses would be welcome.

Handling your Response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the Respondent Information Form attached at **Annex C** with your response as this will ensure that we treat your response appropriately.

If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

Further information regarding the Scottish Government Consultation Process can be found at **Annex D**.

PART 2 – Background Information

Statutory Guidance: What is it and why is it necessary?

1. Statutory Guidance is guidance that is authorised specifically by statute. This means that the parties affected have a legal duty to implement it.
2. Statutory Guidance is necessary and important as it expands upon the detail of the affected party's legal obligations. It should draw together what the affected party needs to know in order to perform its statutory functions appropriately and effectively.

The Regulatory Reform (Scotland) Act 2014

3. Amongst other provisions, the Regulatory Reform (Scotland) Act 2014 introduced a General Purpose for SEPA under Section 51, which is now inserted as section 20A in the Environment Act 1995 as the General Purpose of SEPA. Creating a statutory purpose formalises what is already current practice for SEPA in terms of their role protecting and improving the environment, and contributing to achieving sustainable economic growth and improving the health and wellbeing of people in Scotland.
4. The Regulatory Reform (Scotland) Act 2014 resulted from the findings of a series of consultations issued by the Scottish Government and SEPA which expressed the need for Better Environmental Regulation. Strong support from external stakeholders was given to the belief that the wide range of objectives given to SEPA by different legislative regimes should be simplified and updated to reflect the sort of regulator Scotland needs, both now and in the future.
5. SEPA's General Purpose was crafted around a vision for Scotland where the environment is protected and improved for the benefit and enjoyment of Scotland's people, and where resources are managed to provide us with a thriving economy with due regard to the protection of environmental quality.

Public Service Reform

6. Part of the impetus for the Regulatory Reform (Scotland) Act 2014 came from the recommendations of the independent Christie Commission on Public Service Reform in 2011. It was set up to investigate how public services should be reformed given the challenges ahead, namely an increasing demand on public services from service users and on the environment in the context of budgetary constraints.
7. The Commission recommended that public service organisations work together effectively to achieve outcomes – specifically, by delivering integrated services which help to secure improvements in the quality of life, and the social and economic wellbeing, of the people and communities of Scotland.
8. The Scottish Government [welcomed](#) the report's recommendations, with the Cabinet Secretary for Finance and Sustainable Growth, John Swinney MSP, highlighting the Government's role in providing leadership in public service reform.

Wider Environmental Challenges

9. Protecting and improving the environment is a vital part of this reform agenda. The environment is essential for the economic success of our country, for the health and wellbeing of our citizens and for the wildlife and ecosystems on which we depend.

10. As the First Minister Alex Salmond MSP said at the World Forum on Natural Capital in Edinburgh in November 2013:

Natural capital is one of the ways in which we can tell whether our economic growth is truly sustainable. You can't do that if you're only thinking about taxation, spending and GDP on a year to year basis, without considering the resources and assets which underpin our prosperity and promote our wellbeing.

11. Many of the environmental challenges we face are complicated and require innovation and greater individual and collective action. Scotland needs a regulator that takes an integrated approach to protecting the environment; that encourages sustainable economic growth and accommodates innovation; who encourages greater individual and collective responsibility and works in partnership with stakeholders and the Scottish Government.

12. SEPA has already embarked on a process of transforming into a [better environmental regulator](#), underpinned by a more flexible and targeted way of working and helping business to comply with regulation.

13. This consultation is the first of a series of consultations which will enable these changes to happen.

An Outcomes-Based Approach

14. The Scottish Government is committed to an outcomes-based approach. It has created the National Performance Framework (NPF) to achieve results and underpin the delivery of the Government's overall Purpose:

To focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.

15. Integral to this Purpose is the concept of sustainable development: enabling all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations. The Scottish Government is delivering this through its work supporting Scotland's transformation to a low carbon economy.

16. An outcomes-based approach means that the focus of public spending and action builds on the needs, assets and potential of individuals, families, enterprises and communities rather than being dictated by professional silos and organisational boundaries; and that alignment and positive engagement is sought with our stakeholders and delivery partners on the basis of mutual respect and shared endeavour.

17. The Scottish Government considers it appropriate to align SEPA's statutory purpose with the National Performance Framework, which is itself focussed on the principles of sustainable development: health and wellbeing of communities, protection and improvement of the environment and promotion of sustainable economic growth. A wide range of indicators are used to assess progress towards the Purpose. These provide a broad measure of national and societal wellbeing, incorporating a range of economic, social and environmental indicators and targets.

18. By pulling in the same direction, the joint working that SEPA and the Scottish Government currently undertake will be reinforced and enable enhanced partnership-working across the whole of the public sector in Scotland.

19. SEPA will set out in its Corporate Plan a work programme in this context – a common foundation shared with other public services in Scotland, and setting out a shared focus from government and public services to making a difference to the quality of life and experience for the people of Scotland.

Delivery

20. SEPA has an important role to play in collaborating and working in partnership across the public, private and third sectors in terms of achieving shared outcomes and effective local delivery.

21. SEPA have recognised this need to meet future challenges:

We want to be able to target our resource where it's most needed to deliver measurable outcomes for the environment and contribute to the health and wellbeing of Scotland's communities and the economy. To achieve this we need to have the right tools and be more joined-up, flexible and risk-based (SEPA, [2014](#))

22. The Scottish Ministers expect SEPA to be guided by the four pillars of Scottish Government's [public service reform agenda](#) in implementing its own Change agenda in the light of the new General Purpose.

23. These pillars will be particularly relevant for SEPA, both in terms of providing a clear [framework](#) for improvement, but also in how they engage and empower their workforce in doing so.

QUESTION 1: Do you agree with the approach the Scottish Government has taken in seeking to align SEPA's General Purpose with the National Performance Framework?

QUESTION 2: Does the Statutory Guidance reflect the wider ambitions of the Scottish Government's public service reform agenda?

PART 3 - Draft Statutory Guidance on the General Purpose for SEPA and its contribution towards sustainable development

24. The draft Statutory Guidance is issued under:

- Section 31 (2) of the Environment Act (1995) (“the 1995 Act”), with regards to the contribution SEPA makes towards attaining the objective of achieving sustainable development; and
- Section 31 (2A) of the 1995 Act, whereby the Scottish Ministers may give guidance to SEPA with respect to the carrying out of its duties under section 20A

25. A copy of the draft Statutory Guidance on the General Purpose for SEPA is attached at **Annex A**.

Section 20A of “the 1995 Act”

26. Under section 51 of the Regulatory Reform (Scotland) Act 2014, the following is inserted into the 1995 Act as section 20A:

20A *General Purpose of SEPA*

- 1) *SEPA is to carry out the functions conferred on it by or under this Act or any other enactment for the purpose of protecting and improving the environment (including managing natural resources in a sustainable way).*
- 2) *In carrying out its functions for that purpose SEPA must, except to the extent that it would be inconsistent with subsection (1) to do so, contribute to –*
 - (a) improving the health and well being of people in Scotland, and*
 - (b) achieving sustainable economic growth.*
- 3) *In subsection (1), “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.*

27. It reinforces the primary duty of SEPA to protect and improve the environment, and reaffirms the contribution to health and wellbeing and to achieving sustainable economic growth that SEPA already makes.

Issuance of Draft Statutory Guidance

28. The draft guidance attached at Annex A will be issued by the Scottish Ministers under section 31 of the 1995 Act, replacing the previous guidance “*The Scottish Environment Protection Agency (SEPA) and Sustainable Development*” issued in 2006.

29. SEPA has been engaged with the production of this draft Statutory Guidance. Together with SEPA, this consultation is also for the consideration by any other bodies or persons considered appropriate to ensure openness and transparency.

30. Under section 31 of the 1995 Act, the Scottish Ministers must issue guidance to SEPA on the contribution it should make towards attaining the objective of achieving sustainable development by performance of its functions. Schedule 3 to the Regulatory Reform (Scotland) Act 2014 also amended the 1995 Act so that the Scottish Ministers may give guidance to SEPA with respect to the carrying out of its duties under section 20A.

31. [Reflecting evidence heard](#) during parliamentary scrutiny of this part of the Act and concerns around clarity of SEPA delivering their statutory obligations, the Scottish Ministers intend to publish these two pieces of guidance together as one document. This will help to clarify the priorities the Scottish Ministers expect SEPA to pursue in the performance of its functions, in particular, as regards the relationship between sustainable development and sustainable economic growth.

32. As recommended by the Economy, Energy and Tourism Committee's [Stage 1 Report on the Regulatory Reform \(Scotland\) Bill](#), and in order to minimise the risk of any future conflicts relating to the interpretation of these terms, the draft Statutory Guidance states clearly what the Scottish Government understands by the terms sustainable development and sustainable economic growth.

33. Presenting both pieces of guidance as one document will also help to streamline the guidance issued to SEPA. As well as being better regulation, this is in accordance with the recommendation of the Christie Commission to help simplify and streamline the public service landscape.

Approach and Outcomes for SEPA

34. In keeping with the desire for an outcomes-based approach based on the National Performance Framework, the draft Statutory Guidance presents three High Level Outcomes which relate to the three parts of the General Purpose of SEPA.

35. Accompanying each High Level Outcome are a brief series of Ministerial Expectations, which aim to reflect Scottish Ministers' intent to SEPA.

QUESTION 3: Do you agree with this guidance being presented in a single document?

QUESTION 4: Do you agree with the proposed Ministerial Expectations beneath the High Level Outcomes for SEPA?

Next Steps

36. Following this consultation, Ministers will consider the responses in finalising the draft Statutory Guidance. As instructed under section 31(5)-(8) of the 1995 Act, the draft Statutory Guidance will then be laid before Parliament for a period of 40 days and will be subject to Parliamentary approval. The Scottish Ministers will then publish the Guidance in such a manner as they consider appropriate.

37. SEPA will consider the Guidance when formulating the Agency's Corporate Plan and subsequent work programme to fulfil its duties. Over the coming years, SEPA will consider how to deliver its General Purpose as it improves its services, and focusses on improving its efficiency and effectiveness, in the wider context of SEPA Change and the wider Public Service Reform agendas.

Annex A – Draft Statutory Guidance

STATUTORY GUIDANCE on the General Purpose for the Scottish Environment Protection Agency and its contribution towards sustainable development

1. Background

1.1 The Scottish Environment Protection Agency (SEPA) has a wide range of duties and functions and these have evolved since it was established in 1996.

1.2 This document provides statutory guidance to SEPA following the general purpose inserted into the Environment Act 1995 (“the 1995 Act”) by the Regulatory Reform (Scotland) Act 2014.

1.3 Specifically, guidance is offered to SEPA with respect to:

- section 20A of the 1995 Act and duties therein; and
- section 31 of the 1995 Act and the contribution SEPA makes towards attaining the objective of achieving sustainable development.

1.4 The guidance is intended to assist SEPA in preparing its Corporate Plan, in delivery of its work programme as it supports delivery of the Scottish Government’s Purpose:

“To focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.”

1.5 This guidance is issued by the Scottish Ministers under section 20A of the Environment Act 1995 and replaces the previous guidance “*The Scottish Environment Protection Agency (SEPA) and Sustainable Development*” issued in 2006. It will be reviewed and revised by the Scottish Ministers as and when appropriate.

2. General Purpose of SEPA

2.1 This guidance recognises that SEPA’s primary role is to protect and improve the environment as Scotland’s principal environmental regulator.

2.3 The Regulatory Reform Scotland Act 2014 introduced a general purpose for SEPA, as follows:

(1) SEPA is to carry out the functions conferred on it by or under this Act or any other enactment for the purpose of protecting and improving the environment (including managing natural resources in a sustainable way).

(2) In carrying out its functions for that purpose SEPA must, except to the extent that it would be inconsistent with subsection (1) to do so, contribute to—

(a) improving the health and well being of people in Scotland, and

(b) achieving sustainable economic growth

2.4 This provides for a clear hierarchy which acknowledges the three elements of sustainable development but that primacy is to be given, by SEPA, to protecting and improving the environment.

2.5 The Scottish Government defines sustainable economic growth as:

“...building a dynamic and growing economy that will provide prosperity and opportunities for all, while ensuring that future generations can enjoy a better quality of life too”.

2.6 The interaction between SEPA’s General Purpose and outcomes and the National Performance Framework (NPF), and the indicators by which SEPA’s performance is measured, shall be set out in SEPA’s Corporate Plan, as approved by the Scottish Ministers.

3. Attainment of the Objective of Achieving Sustainable Development

3.1 The goal of sustainable development¹, to enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations, is integral to the Scottish Government’s overall Purpose.

3.2 The fundamental principle of sustainable development is that it integrates the range of economic, social and environmental objectives that underpin our long-term prosperity and flourishing. This will be reflected in SEPA’s interpretation and delivery of sustainable economic growth.

3.3 One of SEPA’s main contributions to sustainable development will be in supporting climate change adaptation and mitigation and working with others to help those in Scotland understand how economic and social benefits can be maximised without undermining natural capital and ecosystems services.

3.4 SEPA’s approach should consider Scotland’s natural environment as a stock of potential resources and assets able to produce value and on-going services to Scotland’s economy, underpinning the health and wellbeing of communities. Maintaining this natural capital and enhancing the supply of water, land and living resources, is essential in supporting Scottish communities and businesses and SEPA has a particular role in contributing to the protection and enhancement of these “ecosystem services” .

3.5 The Scottish Government expects SEPA to measure success and augment the National Performance Framework by recognising the value of ecosystem services, and the contribution these provide to human wellbeing and sustainable development.

3.6 In operating under its General Purpose, the Scottish Ministers expect SEPA to align with and demonstrate the achievement of the Scottish Government’s Purpose in their delivery of outcomes for the environment, communities and the economy.

3.7 Alignment with the NPF will help SEPA as an organisation manage the balancing judgements required in carrying out its functions to reflect the range of environmental, social and economic factors that underpin long term wellbeing and prosperity.

4. Delivery

4.1 SEPA has an important role to play in collaborating and working in partnership across the public, private and third sector in terms of achieving shared outcomes and effective local delivery.

¹ <http://www.scotland.gov.uk/Topics/Environment/SustainableDevelopment>

4.2 To meet the challenges ahead, the Scottish Ministers expect SEPA to focus particularly on the four pillars of the Scottish Government's public service reform agenda:

(i) a decisive shift towards prevention, in terms of how SEPA recognises the inter-connectedness of the environment and takes an integrated approach; seeks to understand behavioural drivers and address root causes; and acts for the benefit of the public at large to regulate activities that have the potential to cause environmental harm.

(ii) a greater focus on 'place' to drive better partnership, collaboration and local delivery, in terms of how SEPA seeks to understand and respond to stakeholders; bases its action on a broad range of evidence and analysis; and promotes greater responsibility for the environment in society by informing and encouraging voluntary action within communities and promoting the business benefits of good environmental performance.

(iii) investing in people who deliver services through enhanced workforce development and effective leadership in terms of the outcomes sought from the SEPA change programme; and,

(iv) a more transparent public service culture which improves standards of performance and access to information and decision-making.

4.3 As a high performance organisation, the Scottish Ministers expect SEPA to target resources where it is most needed and where environmental, social and economic risks are greatest, to deliver value for money and exploit opportunities offered by the digital age.

5. Approach and Outcomes for SEPA

5.1 SEPA's General Purpose sets the outcomes the Scottish Ministers expect them to align themselves to and deliver.

5.2 SEPA is expected to take an outcomes-based approach to delivery of public services in Scotland and SEPA's role within this wider context reflects the fact that Scotland's public bodies cannot look at issues in isolation.

5.3 The outcomes that SEPA seek should complement and be fully aligned with the National Outcomes set out in the NPF. This will involve SEPA working in partnership to tackle Scotland's key long-term economic, social and environmental challenges, contributing to sustainable development and helping to make a difference to the quality of life for the people of Scotland.

5.4 Overleaf are details of the three high level outcomes which SEPA should align itself to in its contribution to the delivery of the NPF and to the Scottish Government's Purpose.

5.5 To help focus its work on delivering or contributing to these, SEPA should have regard to the Ministerial expectations that sit beneath each high level outcome and reflect these in SEPA's Corporate Plan to:

- develop and implement priorities and its work programme in an integrated way;
- develop indicators to measure and report on performance against these outcomes; and
- explain its vision and set its strategic objectives within this framework.

Scotland's environment is protected and improving

- Risks to the environment are regulated proportionately and effectively
- Scotland is prepared for a sustainable future including a low carbon economy and tackling climate change – in terms of both adaptation and mitigation
- Natural capital and ecosystem services are better understood, protected and enhanced
- Environmental harms are identified by gathering intelligence as well as evidence-based monitoring and reporting.
- The behavioural drivers and root causes of non-compliance are addressed
- There is greater partnership working through development of effective relationships and shared objectives with stakeholders
- SEPA is an authority on the environment and information, advice and guidance is easily available to inform action

SEPA contribute to the achievement of sustainable economic growth

- Environmental crime is being tackled to help create a level playing field for legitimate businesses
- The impact of regulatory activity on business is considered by taking economic and business factors into account, and better regulation principles have been adopted
- The business benefits of good environmental performance are promoted to achieve a more resource-efficient Scotland
- SEPA is a high-performance, best value, customer-focussed organisation
- There is a greater understanding of the economic value of the environment
- Key and emerging market sectors, including low carbon markets, are supported and prioritised

Health and well-being of people in Scotland is improving

- Health and wellbeing are taken into account in decision making and regulatory activity
- Communities are protected by tackling the highest risks, non-compliance and environmental crime
- The benefits of a good environment for health and wellbeing are promoted
- SEPA's understanding of the environmental impact on human health is increasing, for example via a partnership approach to air quality issues, and this is informing positive action
- Voluntary action within communities is encouraged and businesses participate as "good neighbours"
- Community concerns are responded to and resilience, learning and ownership is increased

Annex B

CONSULTATION QUESTIONS

Question 1 – Do you agree with the approach the Scottish Government has taken in seeking to align SEPA’s General Purpose with the National Performance Framework?

Yes No

Please explain your view

Question 2 – Does the Statutory Guidance reflect the wider ambitions of the Scottish Government’s public service reform agenda?

Yes No

Please explain your view

Question 3 – Do you agree with this guidance being presented in a single document?

Yes No

Please explain your view

Question 4: Do you agree with the proposed Ministerial Expectations beneath the High Level Outcomes for SEPA?

Yes No

Please explain your view

Annex C

RESPONDENT INFORMATION FORM for Statutory Guidance for the General Purpose of SEPA

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately



1. Name/Organisation

Organisation Name

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

Forename

2. Postal Address

<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
Postcode	Phone	Email

3. Permissions - I am responding as...

Individual / **Group/Organisation**

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate Yes

Annex D

The Scottish Government Consultation Process

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

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

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

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

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

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

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

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

This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at <http://www.scotland.gov.uk/consultations>

The Scottish Government has an email alert system for consultations, <http://register.scotland.gov.uk>. This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). It complements, but in no way replaces SG distribution lists, and is designed to allow stakeholders to keep up to date with all SG consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

How to make an enquiry

If you have any queries relating to this consultation please contact Amy Ross on 0131 244 2565

Next Steps in the Process

Where respondents have given permission for their response to be made public (see the attached Respondent Information Form), these will be made available to the public in the Scottish Government Library within 20 working days of the consultation closing date and on the Scottish Government consultation web pages within 25 days of the consultation closing date. We will check all responses where agreement to publish has been given for any potentially defamatory material before logging them in the library or placing them on the website. You can make arrangements to view responses by contacting the SG Library on 0131 244 4556. Responses can be copied and sent to you but a charge may be made for this service

What happens next?

Following the closing date on 4 August 2014, all responses will be analysed and considered along with any other available evidence to help us confirm Ministerial approval for the Statutory Guidance on the General Purpose for the Scottish Environment Protection Agency and its contribution towards sustainable development.

Comments and Complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact details above.



© Crown copyright 2014

You may re-use this information (excluding logos and images) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or e-mail: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

ISBN: 978-1-78412-407-6 (web only)

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

Produced for the Scottish Government by APS Group Scotland
DPPAS28101 (05/14)

Published by the Scottish Government, May 2014

w w w . s c o t l a n d . g o v . u k