POLICY NOTE

THE COMMON SERVICES AGENCY (MEMBERSHIP AND PROCEDURE) AMENDMENT (SCOTLAND) REGULATIONS 2025

SSI 2025/387

The above instrument was made in exercise of the powers conferred by sections 10(2), 105(7) and 108(1), and paragraph 8 of schedule 5, of the National Health Service (Scotland) Act 1978 and all other powers enabling them to do so. The instrument is subject to negative procedure.

Summary Box

The purpose of this instrument ("the Regulations") is to bring the Common Services Agency governance framework into line with the provisions applied to other Health Boards and Special Health Boards by inserting updated provisions on resignation, suspension, and disqualification into the Common Services Agency (Membership and Procedure) Regulations 1991 ("the 1991 Regulations"). These amendments provide the Scottish Ministers with appropriate oversight powers, strengthen public confidence, and modernise the framework in line with current expectations of good governance. The Regulations also modernise the wording of the Common Services Agency (Membership and Procedure) Regulations 1991.

Policy Objectives

The Regulations amend the Common Services Agency (Membership and Procedure) Regulations 1991 (S.S.I. 1991/564) to bring the legal framework for membership of the Common Services Agency ("CSA") into line with that applying to Health Boards and Special Health Boards. This will modernise the resignation, suspension and disqualification provisions which apply to the CSA to align it with current public appointments practice.

It reflects a wider ambition to ensure consistent and modern governance across national NHS bodies.

This aligns with the Scottish Government's commitment to promoting collaboration across NHS Scotland, enhancing decision-making on health education, workforce planning and service delivery.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, The Common Services Agency (Membership and Procedure) Amendment (Scotland) Regulations 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

There is no statutory requirement to consult on this instrument. The primary purpose of the amendment is to bring the Common Services Agency governance framework into line with the provisions applied to other Health Boards and Special Health Boards.

Impact Assessments
The Scottish Government has considered a series of impact assessments related to these regulations and concluded that only an Equality Impact Assessment and a Child Rights and Wellbeing Assessment were required.

Equality Impact Assessment – the Scottish Government is satisfied that there is no clear indication that the proposed regulations are likely to have major impacts on groups with protected characteristics. No changes to the regulations have therefore been required as a result of the equality impact assessment.

Child Rights and Wellbeing – A CRWIA has been carried out and is provided with this instrument. The Scottish Government has concluded the Regulations do not make specific provision with regard to children; they do not impact directly on children, nor do they have any differential impact on children, direct or indirect. It is considered therefore that the overall impact of the Regulations on children's rights is neutral.

Financial Effects

The Cabinet Secretary for Health and Social Care confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Health Workforce Directorate

December 2025