EXPLANATORY MEMORANDUM TO

THE WHOLE OF GOVERNMENT ACCOUNTS (DESIGNATION OF BODIES) ORDER 2024

2024 No. 1095

1. Introduction

1.1 This explanatory memorandum has been prepared by HM Treasury and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 The Rt Hon Darren Jones, Chief Secretary to the Treasury confirms that this Explanatory Memorandum meets the required standard.

2.2 Kevin Pertaub, Deputy Director for Government Financial Reporting (Interim), at HM Treasury confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Andrew Mackay at HM Treasury, email: Andrew.Mackay@hmtreasury.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The Whole of Government Accounts (Designation of Bodies) Order 2024 ("the Order") identifies bodies to be included in the consolidated Whole of Government Accounts for the year ending 31 March 2024. Designating these bodies enables the Treasury to require them to provide the necessary audited financial information, in a specified form and to a specified timescale, for the preparation of the Whole of Government Accounts.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is the United Kingdom.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the United Kingdom.

5. Policy Context

What is being done and why?

5.1 Parliament originally requested consolidated accounts for central government in the 1994-95 parliamentary session (Public Accounts Committee Fifteenth Report, Session 1994-95).

5.2 In July 1998, the Treasury published a scoping study report into the development of consolidated public sector accounts. The report concluded that Government should aim to develop a fully-audited set of accounts based on Generally Accepted

Accounting Practice adapted as necessary for the public sector context with the approval of the Financial Reporting Advisory Board, and covering the whole of the public sector as far as practically possible. The reasons for preparing the Whole of Government Accounts include providing better transparency and accountability to Parliament, as well as improved information for fiscal policy.

5.3 Sections 9 to 11 of the GRAA provide the statutory framework for preparing Whole of Government Accounts, obtaining the necessary information, and for scrutiny by the Comptroller and Auditor General ("C&AG").

5.4 The C&AG qualified the Whole of Government Accounts for 2021-22 ("WGA 2021-22") due to qualifications in the underlying accounts of the Department for Health and Social Care. The C&AG qualified the Whole of Government Accounts for 2021-22 ("WGA 2021-22") on the basis of the statutory audit for the Department for Health and Social Care (DHSC) being qualified and material to the Whole of Government Accounts. WGA 2020-21 was also qualified due to a qualification in the underlying accounts of Department for Environment, Food and Rural Affairs (DEFRA). This portion of the qualification was lifted in WGA 21-22.

5.5 The C&AG also qualified the WGA 2021-22 on a number of grounds including a disagreement regarding the definition and application of the boundary of the accounts, in particular the exclusion of public sector banks and other bodies.

5.6 The Treasury has chosen to exclude NatWest Group on the basis that the inclusion of their figures would materially distort the position of the public sector as represented in the Whole of Government Accounts, the intent was to hold them on a temporary basis, and the Government's holding has been reducing over time.

5.7 The C&AG also qualified WGA 2021-22 on grounds of: the number of bodies for which consolidation data was requested but not received; inconsistent accounting policies, mainly relating to different methods used in valuing infrastructure assets; consolidation of components with non-coterminous year ends mainly relating to academy schools; and consolidation of components whose accounts have not been audited. The Treasury continues to work towards removing these qualifications.

5.8 The audit of the Whole of Government Accounts for 2021-22 is complete and the full audited account was published on 26 March 2024.

5.9 The 2022-23 Whole of Government Accounts has yet to be published and is in the process of being prepared.

5.10 The Annex provides further information on the bodies which were added, removed and names changed for the Order.

6. Legislative and Legal Context

6.1 Section 9(1) of the Government Resources and Accounts Act 2000 ("the GRAA") requires the Treasury to prepare "Whole of Government Accounts" for a group of bodies that appears to the Treasury to exercise functions of a public nature or to be entirely or substantially funded from public money. In practice, the Treasury primarily include bodies in the accounts based on their classification to the public sector by the Office for National Statistics ("ONS") for National Accounts purposes. On this basis, the accounts include bodies within the central government, devolved administrations, local government, public corporations and health sectors during the period covered by the accounts.

6.2 Where the Treasury intend the Whole of Government Accounts for a financial year to relate in part to a particular body which falls within section 9(1) of the GRAA, section 10(1) of that Act enables the Treasury by order to designate that body. A body designated in this way must provide the Treasury with information in accordance with section 10(2) and (3) of the GRAA.

6.3 The composition of central government, local government and public corporations changes each year as bodies are created, merged or dissolved. Therefore, a designation order must be made annually under section 10(1) of the GRAA in respect of each set of accounts to reflect the bodies for the period covered by the accounts.

6.4 Section 9(4) of the GRAA requires the Treasury to prepare accounts that present a true and fair view and conforms to generally accepted accounting practice (subject to such adaptations as are necessary in the context).

6.5 Health trusts are not included in the Order since the audited financial information they are required to provide to the Department of Health and Social Care for the purposes of producing the Department of Health and Social Care's annual resource accounts is also used for Whole of Government Accounts purposes.

6.6 Northern Ireland Bodies that are subject to the requirements of the Government Resources and Accounts (Northern Ireland) Act 2001 are designated by the Northern Ireland Department of Finance.

6.7 Bodies whose activities are confined to Scotland are also not covered by the Order. The Scottish Government relies either on administrative powers or the Public Finance and Accountability Act (Scotland) 2001 to collect audited financial information from them.

7. Consultation

Summary of consultation outcome and methodology

7.1 The Treasury has made a decision to designate bodies for inclusion in the Order following consultation with government departments, local authorities and the Welsh Administration.

8. Applicable Guidance

8.1 Guidance is not required.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because of its low-level impact on the public, voluntary and private sectors.

Impact on businesses, charities and voluntary bodies

9.2 The impact on business, charities or voluntary bodies is negligible.

9.3 The legislation does not apply to activities that are undertaken by small businesses.

9.4 The impact on the public sector is limited. The majority of information required by the Treasury is largely the same as each body produces for its own accounts and is also audited by its existing auditors. The additional work for most bodies is restricted to identifying the in-year transaction streams and year-end balances with other bodies within the boundary of the Whole of Government Accounts. These must be cancelled

out so that the result and year-end position of the whole of government is presented as if it were a single entity.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is that His Majesty's Treasury and the National Audit Office will monitor compliance with the requirements of this instrument. Review by those same bodies will inform the lists included in similar instruments for subsequent years.

10.2 The instrument does not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”).

Annex

This Annex provides a summary of changes to the Order as compared with the Whole of Government Accounts (Designation of Bodies) Order 2024.

Bodies renamed:

Central Government

Former name: Designation Order 2023	**Designation Order 2024**
Department for Levelling-Up, Housing and Communities	Ministry of Housing, Communities and Local Government

Bodies removed:

Central Government

Crossrail International
Directly Operated Railways
Health and Social Care Information Centre
Health Education England
Monitor
National Health Service Commissioning Board
Phone-paid Services Authority Limited
RCDTS Ltd