Palliative Care (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to require palliative care to be provided to persons with a life-limiting condition and to members of such persons’ families; and to require reports on the provision of palliative care to be made to the Scottish Parliament.

1 Palliative care

5 (1) The National Health Service (Scotland) Act 1978 (c.29) is amended as follows.

(2) After section 48 insert—

“PART IIIA

PALLIATIVE CARE

48A Duty to provide palliative care

10 (1) The Scottish Ministers shall provide, or secure the provision of, palliative care to—

(a) every person diagnosed as having a life-limiting condition; and

(b) family members of persons so diagnosed,

according to the reasonable needs of such person or persons.

15 (2) Nothing in subsection (1) shall require the Scottish Ministers to provide any treatment, help or support which it is the duty of any other person to provide.

48B Reports to the Scottish Parliament

(1) The Scottish Ministers shall lay before the Scottish Parliament within seven months after the end of each reporting year a report covering that reporting year.

20 (2) Schedule 9A has effect for the purpose of prescribing the information to be included in the report referred to in subsection (1) and for related purposes.

(3) The Scottish Ministers may by order modify paragraph 1 of Schedule 9A by—

(a) adding an indicator or altering an indicator (including an indicator added or altered by virtue of this paragraph); or

25 (b) removing an indicator added by order made under paragraph (a).
(4) The Scottish Ministers may by order modify a requirement in paragraph 5 or 6 of Schedule 9A by—
   (a) altering the requirement (including any part of the requirement altered by virtue of this paragraph); or
   (b) removing any part of the requirement added by order made under paragraph (a).

(5) The Scottish Ministers may by order amend paragraph 7 of Schedule 9A by—
   (a) adding a definition or altering a definition (including a definition added or altered by virtue of this paragraph); or
   (b) removing a definition added by order made under paragraph (a).

(6) The Scottish Ministers may by order amend Schedule 9A by—
   (a) adding a requirement or altering a requirement in respect of an indicator added or altered by virtue of subsection (3)(a); or
   (b) removing a requirement added by order made under paragraph (a).

48C Interpretation of Part IIIA

In this Part and in Schedule 9A—

   “civil partner” has the same meaning as in section 1 of the Civil Partnership Act 2004 (c.33);

   “cohabitant” means either member of a couple consisting of—
   (a) a man and a woman who are living together as if they were husband and wife; or
   (b) two persons of the same sex who are living together as if they were civil partners;

   “family member” means—
   (a) parent, child, grandparent, grandchild, great grandparent or great grandchild (whether by blood or by adoption);
   (b) brother, sister, uncle, aunt, nephew, niece, great uncle, great aunt, great nephew or great niece (whether of the full or half blood or by adoption);
   (c) spouse or any person related to a spouse in any of the ways set out above;
   (d) civil partner or any person related to a civil partner in any of the ways set out above;
   (e) cohabitant or any person related to a cohabitant in any of the ways set out above;

   “life-limiting condition” means a condition, illness or disease which—
   (a) is progressive and fatal; and
   (b) the progress of which cannot be reversed by treatment;

   “palliative care” means—
   (a) in relation to persons with a life-limiting condition—
(i) treatment which controls and relieves pain, discomfort or other symptoms caused by or related to a life-limiting condition with the intention of improving their quality of life;

(ii) psychological, social or spiritual help and support with the intention of improving their quality of life;

(b) in relation to family members of persons with a life-limiting condition, psychological, social or spiritual help and support to enable them to cope with the fact of their relative’s life-limiting condition and its consequences;

“the report” means the report required under section 48B;

“reporting year” is—

(a) the period beginning with the day on which this section comes into force and ending on 31 March; and

(b) each successive year ending on that date.”.

(3) In section 105(2A) after “No” insert “orders shall be made under section 48B(3) and no”.

(4) After Schedule 9 insert—

“SCHEDULE 9A
(introduced by section 48B)
REPORTING AND INDICATORS

Indicators

1 The indicators which the Scottish Ministers are required to report to the Scottish Parliament in respect of a reporting year are respectively—

1. The number of—

(a) persons with a life-limiting condition; and

(b) family members of such persons,

who have received palliative care.

2. The average time it has taken for persons diagnosed as having a life-limiting condition to receive a first assessment of their palliative care needs and the longest time it has taken any such person to receive such an assessment.

3. The average time it has taken for persons with a life-limiting condition whose palliative care needs have been assessed to receive palliative care for the first time and the longest time it has taken for any such person to receive such care.

4. The number of persons with a life-limiting condition who have received palliative care and a community care assessment.

5. The proportion of carers caring for a person with a life-limiting condition who have received a carer’s assessment.

6. The place and cause of death of any person with a life-limiting condition who has received palliative care.
7. The number of persons with a life-limiting condition who have received palliative care and who have died at any place which has been recorded in their medical records as being their preferred place of death.

8. The number of persons with a life-limiting condition who have received palliative care and who have died in hospital despite a contrary preference being recorded in their medical records.

9. Information on the nature of the psychological, social and spiritual help and support given to persons with a life-limiting condition and to their family members.

10. The number of persons mentioned in each of paragraphs (a) and (b) of indicator 1 who have completed a survey conducted by or on behalf of the Scottish Ministers or the Health Boards on the standard of such care.

11. The number of persons who have received education or training relating to the provision of palliative care services.

General requirements as regards the report

2 Each Health Board shall provide the Scottish Ministers with such information and within such time as the Scottish Ministers require for the purpose of enabling them to prepare the report.

3 In preparing the report the Scottish Ministers shall provide information covering—

   (a) Scotland; and
   (b) each Health Board area.

4 Nothing in this Act shall authorise the disclosure by the Scottish Ministers in the report of information from which any other person, whether living or deceased, could be identified.

Requirement as regards indicator 6

5 The information provided in accordance with indicator 6 shall refer to the number of deaths occurring in or at the following places—

   (a) hospital;
   (b) hospice;
   (c) accommodation provided by a care home service;
   (d) a private address; and
   (e) any place other than a place referred to in sub-paragraphs (a) to (d).

Requirement as regards indicator 8

6 The information provided in accordance with indicator 8 shall state the number of cases in which the reason for admission to hospital was—

   (a) an unexpected change in symptoms;
   (b) an inability to relieve pain;
   (c) any other reason (which must be stated in the report).
Interpretation

7 In this Schedule—

“care home service” has the same meaning as in section 2(3) of the Regulation of Care (Scotland) Act 2001 (asp 8);

“carer’s assessment” means an assessment carried out by a local authority under section 12AA of the Social Work (Scotland) Act 1968 (c.49);

“community care assessment” means an assessment carried out by a local authority under section 12A of the Social Work (Scotland) Act 1968.”.

2 Commencement and short title

(1) This Act comes into force on Royal Assent.

(2) This Act may be cited as the Palliative Care (Scotland) Act 2010.
Palliative Care (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to require palliative care to be provided to persons with a life-limiting condition and to members of such persons’ families; and to require reports on the provision of palliative care to be made to the Scottish Parliament.

Introduced by: Gil Paterson
On: 1 June 2010
Bill type: Member’s Bill