PROPOSED PALLIATIVE CARE (SCOTLAND) BILL

STATEMENT OF REASONS BY GIL PATERSON MSP ON WHY CONSULTATION ON THE DRAFT PROPOSAL IS NOT REQUIRED

Background to proposal

In line with Rule 9.14.3 of Standing Orders, my draft proposal for a Palliative Care (Scotland) Bill was lodged on Monday 9 March 2009. The proposal is for a Bill—

to require needs based palliative care to be available on demand.

The objective of this proposed Bill is to secure access to high-quality palliative care for everyone in Scotland on the basis of need. The proposal aims to secure this by placing local NHS Boards under a statutory obligation to provide that care and set up reporting arrangements so that the quality of care provided can be monitored.

Currently access to high quality palliative care is variable across Scotland and is primarily provided for patients with cancer. The proposed bill would anticipate extending care to patients with a life-threatening condition. It is the intention to include general and specialist palliative care whether it is provided in the home, hospital or hospice.

In August 2008 Audit Scotland published a review of palliative care services in Scotland. It stated ‘In many areas of Scotland the voluntary sector and the health service provide excellent and much appreciated care. But access to good quality palliative care varies across the country. The Scottish Government needs to address these issues in the palliative care action plan it is due to publish this October.’

In October 2008, the Scottish Government launched its Palliative Care Action Plan Living and Dying Well: A National Action Plan for Palliative and End of Life Care in Scotland which hopes to bring together professionals, organisations and bodies in a co-ordinated approach to support a person centred approach to delivering consistent palliative and end of life care in Scotland.

The proposed Palliative Care (Scotland) Bill would take this matter a significant step further by placing a statutory duty on NHS Boards.

Consultation

The original draft proposal was lodged by Roseanna Cunningham MSP on 14 November 2008 and the consultation was due to close on 28 February 2009. This was extended to 9 March given that the consultation period covered the Christmas and New Year holiday period.
Roseanna Cunningham MSP has been appointed Minister for Environment. Under Rule 9.14.1 of Standing Orders as a member of the Scottish Executive she is unable to take this forward. Roseanna Cunningham has formally authorised the Non-Executive Bills Unit to provide access to her policy formation papers, including the consultation paper and any responses received.

Prior to her draft proposal being lodged Roseanna had extensive discussions with St Margaret of Scotland Hospice and has kept in contact with them throughout the process.

Roseanna hosted a reception at the Parliament for the launch of her draft proposal for interested parties which was attended by patients’ organisations, carers, medical professionals and local government representatives.

Roseanna addressed the Cross-Party Group on Palliative Care at their January and February meetings on the subject of her draft proposal. She is Vice-Convener of this group.

To date around 55 responses have been received to the consultation and more may be forthcoming given the deadline extension. Responses have been forwarded to my office by Roseanna. I have been acknowledging receipt and noting the content of each response to enable me to take this proposal forward.

**Statement of Reasons**

In relation to my draft proposal for this Bill, I do not consider that further consultation is required for the following reasons:

Roseanna Cunningham carried out a thorough, open and transparent and very recent consultation exercise issuing 160 consultation papers plus a copy to all MSPs. She ensured that all interested parties / stakeholders were aware through her launch at the Parliament and media coverage.

I consider that further consultation on the same proposal would duplicate effort, incur unnecessary cost and could create the impression of “over consultation”.

My experience as Co-Convener of the Cross-Party Group in the Scottish Parliament on Chronic Pain will assist me in picking up seamlessly from the point that Roseanna Cunningham MSP has taken this draft proposal.

Audit Scotland and the Scottish Government have researched and reported on palliative care and this information is accessible in Scotland.
Conclusion

In conclusion I believe that further consultation is not required due to the recent comprehensive work that has already been undertaken by the above and by Roseanna Cunningham MSP.

I therefore request the Health and Sport Committee consider this statement of reasons and confirm that it is satisfied with the reasons for not consulting further on my draft proposal.

Gil Paterson MSP
9 March 2009
Media Interest

The Herald 17 December 2008
Major charities Marie Curie Cancer Care and the British Heart Foundation Scotland are to launch a new centre in Glasgow to care for people, and their families, with incurable heart problems.
http://www.theherald.co.uk/misc/print.php?artid=2475852

Holyrood Magazine – 22 September 2008 (Issue 196 – page 50/51)
Katie Mackintosh visits Rachel House, just before the publication of the Scottish Government's National Action Plan, and finds “….there is a great deal of enthusiasm for the action plan…."
http://www.holyrood.com

As well as press interest there have been articles in journals by the Scottish Deaf Council, Law Society of Scotland and Alzheimer Scotland.