RE: Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Bill

I am responding on behalf of NHSAA to your call for evidence in relation to the above Bill. You had circulated a questionnaire from the Finance Committee and I answer the questions below.

Q1: NHSAA did not take part in the consultation exercise therefore questions 2 and 3 are not applicable.

Q4: Asks if the Financial Memorandum reflects financial implications for our organisation.

The Financial Memorandum indicates that NHS Scotland is involved in FAIs “when enquiries are held at the discretion of the Lord Advocate into deaths in hospitals or some other form of healthcare setting”. I would point out that responsibility for healthcare in prison transferred from the Scottish Prison Service to the NHS around 3 years ago and responsibility for healthcare in police custody transferred from Police Scotland to the NHS from 1 April 2014. This could therefore lead to some costs for the NHS in providing medical evidence to fatal accident inquiries for mandatory FAIs. We would suggest that it not be mandatory that legal representation is utilised for responding to recommendations made within a Sheriff’s Determination. Officers would be happy to continue to liaise with the procurator fiscal and ensure they receive a copy of our action plan and supporting documentary evidence in this regard without additional legal costs being incurred.

Q5: NHSAA would consider that the estimated costs in the Financial Memorandum are reasonable as the impact of the legislation should be marginal in terms of change in definition of mandatory categories. The impact of these should be able to be managed by the NHS.

I trust that the above answers the questions in a general sense.

Yours sincerely

Derek Lindsay
Director of Finance