Health (Tobacco, Nicotine etc. and Care) Bill – Stage 2 Amendment on the provision of voice equipment: Call for Views

In its 14th Report, 2015, on Stage 1 of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Bill the Health and Sport Committee noted that the Scottish Government would seek to amend the Bill at Stage 2 to provide a right to access voice equipment. On 11 December 2015 that amendment was lodged by the Scottish Government and is set out below. Also set out below is further written evidence provided by the Scottish Government which explains the purpose of that amendment, who is likely to have an interest in it as well as the financial impact of the amendment.

As the Health and Sport Committee did not specifically seek evidence on the provision of voice equipment during Stage 1, it agreed at its meeting on 7 January 2016 to issue a call for written views on this amendment.

Views are therefore sought on whether you support the amendment below and whether you would add/remove/change any part of the amendment.

Amendment 1: Lodged by the Scottish Government

Maureen Watt

After section 31, insert—

<PART

PROVISION OF COMMUNICATION EQUIPMENT

Duty to provide or secure communication equipment

After section 46 of the National Health Service (Scotland) Act 1978, insert—

“46A Provision of communication equipment

The Scottish Ministers must, to such extent as they consider necessary to meet all reasonable requirements, provide or secure the provision of—

(a) communication equipment, and

(b) support in using that equipment,

to any person who has lost their voice or has difficulty speaking.”.

Written evidence from the Scottish Government on the Stage 2 amendment to the Health (Tobacco, Nicotine etc. and Care) Bill on Augmentative and Alternative Communication (AAC)

Policy Intention

The Scottish Government made a commitment in the Programme for Government 2015-16 to bring forward an amendment to the Health (Tobacco, Nicotine etc. Care) (Scotland) Bill (Health Bill) currently being considered by Parliament to provide a statutory right to voice equipment when required.
The amendment will create a statutory duty upon Scottish Ministers to provide or secure the provision of communication equipment and, the support in using that equipment, to any person who has lost their voice or has difficulty speaking (both children and adults). The equipment and support is to be provided to such extent as Ministers consider necessary to meet all reasonable requirements.

While the duty is being placed on Scottish Ministers, there is provision within the National Health Service (Scotland) Act 1978 (the 1978 Act) under which the Ministers’ functions are delivered by Health Boards.

In summary, the amendment:

- Makes the duty to provide or secure provision of voice equipment and associated support explicit within the 1978 Act;
- Recognises the multi-agency nature of the service by asking Health Boards to “provide or secure provision of” communication equipment;
- Recognises the need for and importance of ongoing support in addition to provision of the equipment;
- Respects clinical judgment by requiring that provision made is what is necessary to meet “all reasonable requirements” of people affected by the new right.

Who is likely to be affected by the legislation?

Health Boards will primarily be affected by the legislation as they will have the duty to provide and secure the provision of communication equipment and the support in the use of this equipment. However, due to the multi-agency nature of this service other partners, for example, local authorities and third sector organisations may be involved in the provision and support of this equipment.

Ultimately, individuals who use communication equipment will be affected by this duty as they will now have a statutory right to its provision and support.

Who is most likely to want to put forward their views?

A variety of interested groups/organisations, for example, Royal College of Speech and Language Therapists (RCSLT), MND Scotland, Alzheimer’s Scotland, NHS workforce, Alternative and Augmentative Communication (AAC) leads across NHS Scotland.

Financial Impact

Health Boards currently fund the provision of voice equipment within the 1978 Act (see above) and therefore the Scottish Government does not anticipate significant additional financial implications as a result of this amendment. It is expected that there will be no impact on the number of individuals who require communication equipment as clinical decision making is currently applied and the amendment makes no changes to this.

Feedback from stakeholders suggests that funding for voice equipment and associated support currently tends to be secured on a slow and inefficient case-by-case basis: the funding is, however, ultimately found. Funding within NHS Boards for Alternative and Augmentative Communication services is not always clearly
identified and easily available which can result in delays in equipment provision for the service user. This can be due to a number of factors, for example, the multi-agency nature of the service, the unpredictable nature of the service demands, and access to capital spend.

Communication equipment can take the form of pictures, gestures, symbols or photographs as well as high tech support including voice output communication aids.

The average annual spend on an individual who requires equipment and support varies depending on the nature of the communication equipment; any insurance and maintenance costs and the user’s individual needs and circumstances.

It is estimated that just over 0.5% of the UK population could benefit from some type of AAC. This equates to 529 people per hundred thousand population and around 26,500 people in Scotland. The population of potential AAC users has a broad range of often complex conditions (where an individual has more than one impairment or difficulty) with different underlying medical diagnoses.

The duty imposed by the Bill is intended to encourage Boards to review their current AAC service, systems and processes.

How to submit your evidence

Before making a submission, please read our Policy on Treatment of Written Evidence by Subject and Mandatory Committees.

Please send your views on the amendment by no later than 20 January.

Responses should be sent, wherever possible, electronically and preferably in MS Word format to: healthandsport.committee@scottish.parliament.uk

Hard copy responses may be sent to: Health and Sport Committee, T3.60, Scottish Parliament, Edinburgh EH99 1SP

Ideally, responses should be no more than four sides of A4 in length.

All written evidence received may be published by the Parliament and will be treated as a public document. If you wish to submit evidence in confidence or anonymously please read the policy at the link above or contact Jane Williams, details below.

What happens next?

Any written submissions received will be published on the Committee’s website and will inform the Committee’s Stage 2 consideration of this amendment. This amendment is anticipated to be debated at the Committee meeting on 26 January 2016 or 2 February 2016 depending upon the progress made with any other amendments to the Bill

Contact
Should you require alternative formats of this information or further assistance in making a written submission to the Committee, please do not hesitate to contact the clerking team of the Committee.

For Committee information, contact: Jane Williams, tel 0131 348 5210, email: jane.williams@scottish.parliament.uk

For media enquires, contact: Kirsty Rimmer, tel 0131 348 6085 email: kirsty.rimmer@scottish.parliament.uk

For public information enquiries, contact: 0131 348 5000