Consultation

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

   A: No we did not take part in consultation on this FM.

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

3. Did you have sufficient time to contribute to the consultation exercise?

   Not applicable

Costs

4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

   No; the financial implications of the Bill are not detailed in the FM. A statement is included which notes that there is potential for an increase in the numbers of claims against NHS organisations as a result of the Bill and therefore an expected increase in costs to the NHS.

5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

   The FM (section 31, 46, 63 & 85 costs on other bodies…) indicates that one impact of the Bill will be the potential for an increase in the number of claims raised against NHS Health Boards but no monetary estimate of what this may be is given. No estimate is given for the ‘qualified one-way costs shifting’ impact on NHS Health Boards.

   No savings for NHS Health Boards were identified in the FM.

6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

   NHS Scotland is self insured; any resultant increase in numbers of claims brought or in the loss of recovering awarded legal expenses from a pursuer who failed will inevitably increase the CNORIS Health Board fees and overall litigation costs.
If Bill is successful additional central governmental funding will be necessary for Boards to meet any cost increases. Should additional money not be allocated then Boards will be required to divert funding from frontline healthcare services to meet the increased costs.

7. Does the FM accurately reflect the margins of uncertainty associated with the Bill's estimated costs and with the timescales over which they would be expected to arise?

No, the FM states increase in costs and associated timescales for those increases are unquantifiable and not available. The margin of uncertainty has a financial/corporate risk attached and no details of what this is likely to be have been given. Corporate /financial risks for NHS Health Boards may be at an unacceptable level at a national level and individual level: pressures put on resources and budgets at any level will have an overall impact of healthcare delivery.

8. Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?

As described above the FM has not explored associated financial risks rather it states it is not quantifiable in monetary terms.

9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

There is currently no information in respect of subordinate legislation therefore this question cannot be answered.