

Citizens Advice Scotland

Scottish Association of Citizens Advice Bureaux



1939-2009: 70 years
of Scottish CAB advice

Patient Rights (Scotland) Bill 2010

Submission to the Finance Committee

Citizens Advice Scotland and its 83 CAB offices form Scotland's largest independent advice network. CAB advice services are delivered through 222 service points throughout Scotland, from the islands to city centres.

The CAB service aims:

to ensure that individuals do not suffer through lack of knowledge of their rights and responsibilities, or of the services available to them, or through an inability to express their need effectively

and equally

to exercise a responsible influence on the development of social policies and services, both locally and nationally.

The CAB service is independent and provides free, confidential and impartial advice to everybody regardless of race, sex, disability or sexuality.

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Introduction

1. Citizens Advice Scotland (CAS) is the umbrella organisation for Scotland's network of 83 Citizens Advice Bureau (CAB) offices. These bureaux deliver free, impartial and confidential frontline advice services through more than 200 service points across the country, from the city centres of Glasgow and Edinburgh to the Highlands, Islands and rural Borders communities.
2. The CAB service in Scotland strives to ensure that people have access to information about their rights and responsibilities. In 2008/09, the Scottish CAB service dealt with just under **one million** client issues resulting in **2,677** enquiries handled by bureaux across Scotland each day of the year.
3. The CAB service in Scotland strives to ensure that people have access to information about their rights and responsibilities. Last year the CAB service dealt with **324,800** debt issues, **257,444** benefit issues, **86,897** housing issues and **74,017** employment related issues – together accounting for **76%** of all client issues.
4. The Independent Advice and Support Service (IASS) is a part of the CAB service in Scotland. Funded by local NHS boards, IASS offers advice and support to all NHS users, their carers, and their families.
5. IASS assists patients and their families raise any concerns and complaints they may have regarding care received from the NHS. The service also takes a holistic outlook to supporting its clients, and provides advice on a range of issues, including welfare rights, employment and debt. In this way, patients' health concerns are interlinked with a number of other issues and IASS aims to support them overall.
6. CAS welcomes the ethos and health care principles that underpin the Patient Rights (Scotland) Bill. However, we have concerns with some of the provisions in the financial memorandum of the Bill, including costs associated with the uptake of the new Patient Advice and Support service (PASS) and the transitional services that may be required of IASS.

Financial Memorandum: Response to Questionnaire

7. CAS welcomes the opportunity to respond to the questionnaire relating to the Financial Memorandum for the Patient Rights (Scotland) Bill

Consultation exercise for the Patient Rights (Scotland) Bill

8. We did take part in the consultation exercise for the Bill, but we did not comment on the financial assumptions made therein.
9. We had sufficient time to contribute to the consultation exercise

Costs associated with the Patient Rights (Scotland) Bill

Financial Implications for Citizens Advice Scotland:

10. We are concerned that the full financial implications of the Bill for the CAB Service in Scotland - in its capacity as the current provider of the Independent Advice and Support Service (IASS) - have not been taken into account.
11. No funding has been allowed for a handover period in the event that the CAB service in Scotland does not tender for the contract or if it fails to obtain the contract. It will take time for a new service to be established and arrangements would need to be put in place to assist existing and new clients seeking assistance and support during the transition period.
12. No provision has been made during the three year life of the Patient Advice and Support Service (PASS) project for inflationary uplifts or salary increases which would mean a reduction in funding, in real terms, over the period of the contract. This could cause significant problems during the tendering process and subsequently in the delivery of the project.
13. We have the following concerns in relation to particular sections of the financial memorandum:
 - **Pt 104:** The funds for current IASS services are approximately £500 short of what is required to run the service in this financial year. Whilst this is a small sum, if it is compounded by the lack of inflationary and salary uplifts, the deficit could become significant
 - **Pt 104:** There does not appear to be a marketing budget for PASS, although this has been identified in the Bill as one of the activities to be carried out – the service provider will need to market PASS service as it will be built on the existing IASS service but under a new name. Subsequently, new marketing materials will also be required. We are unsure if this is already included in the overall funding amount

- **Pt 108:** The current proposal redirects £134,000 presently provided to CAS to the health boards for PASS and Patient Rights Officers (PRO). It is important that some services be delivered by a central authority, including statistical reporting, marketing, and training. We are concerned that no specific provision has been made for this
- **Pt 108:** It is unclear what the relationship between health boards and the new PASS service will be, given that contracting will be carried out nationally rather than locally. We would like clarity about whether service contracts will be in place in each health board area with the provider(s) in that area or whether there will be a single national contract. The contractual relationships and local versus national funding arrangements need to be made clear for decisions to be made with regard to tendering
- **Pt 109:** We very much welcome the provision of additional funding of £116,000 from the Scottish Government but have concerns on how this figure was reached and what its intended purpose is
- **Pt 111:** The salary scales outlined here are appropriate, although we believe that the £5,000 allocated to on-costs seems low when both pension and national insurance contributions are taken into account. We feel that this figure should be nearer 18% to 20% of wages paid out
- **Pt 113:** This section pre-supposes that all existing IASS paid staff would move into the new service. Depending on which organisation wins the contract and on their existing arrangements, this may not be the case
- **Pt 117:** There is a possibility that funds will be required to close down services provided by the current provider and/or handed over to an alternative provider.

Can Citizens Advice Scotland meet the costs associated with the Bill?

14. It is likely that CAS would be able to meet the financial costs associated with the Bill, although we are concerned that bureaux may not be funded to provide any temporary service that may be required during set up of the new service.
15. We recommend that consideration be given to the inclusion of funding for a transitional period of a minimum of three months to allow the new PASS to be established and, if relevant, for the IASS to transfer existing clients, systems and so on to the new provider.
16. We are concerned that funding arrangements may not be sufficient to cover inflationary and salary increases over the life of the project.

Financial Memorandum and the Margins of Uncertainty:

17. The financial memorandum does accurately reflect the margins of uncertainty associated with the estimates and the timescales over which such costs would be expected to arise, though we do feel that account should have been taken of year on year cost increases, and that account should also have been taken of the need for transitional arrangements to be put in place when IASS is replaced with PASS.

Wider Issues:

Costs and Wider Policy Initiatives:

18. We believe that the financial memorandum has taken into account costs associated with wider policy initiatives.

Future Costs:

19. It is difficult to comment on future costs associated with the Bill on any subordinate legislation and guidance until we have a clearer picture about what might be included in regulations or until we receive more detailed guidance. We would welcome the opportunity to make additional comments when further information on regulations and details on guidance have been provided.