



## HEALTH AND SPORT COMMITTEE

### AGENDA

**30th Meeting, 2012 (Session 4)**

**Tuesday 6 November 2012**

The Committee will meet at 9.45 am in Committee Room 2.

1. **Decision on taking business in private:** The Committee will decide whether to take item 5 in private. The Committee will also decide whether its consideration of a draft report on the Draft Budget 2013-14 should be taken in private at future meetings.
2. **Subordinate legislation:** The Committee will take evidence on the draft Glasgow Commonwealth Games Act 2008 (Ticket Touting Offence) (Exceptions for Use of Internet etc.) (Scotland) Regulations 2012 [draft] from—

Shona Robison, Minister for Commonwealth Games and Sport, Odette Burgess, Senior Policy Officer, Commonwealth Games Delivery Team, and Mark Eggeling, Solicitor, Scottish Government.

3. **Subordinate legislation:** Shona Robison (Minister for Commonwealth Games and Sport) to move—

S4M-04636—That the Health and Sport Committee recommends that the Glasgow Commonwealth Games Act 2008 (Ticket Touting Offence) (Exceptions for Use of Internet etc) (Scotland) Regulations 2012 be approved.

4. **Petition PE1384:** The Committee will consider a Petition by Kim Hartley on behalf of the Royal College of Speech and Language Therapists calling on the Scottish Parliament to urge the Scottish Government to demonstrate how its policies and guidelines ensure local authorities and NHS boards protect provision of quality speech and language therapy services for all people with speech/language communication support needs and/or swallowing difficulties.
5. **Access to new medicines:** The Committee will consider its approach to the next stage of its work on this issue.

**HS/S4/12/30/A**

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The papers for this meeting are as follows—

**Agenda Item 2**

[Glasgow Commonwealth Games Act 2008 \(Ticket Touting Offence\) \(Exceptions for Use of Internet etc.\) \(Scotland\) Regulations 2012 \[draft\]](#) HS/S4/12/30/1

SSI Policy Note HS/S4/12/30/2

Business and Regulatory Impact Assessment HS/S4/12/30/3

Note by the clerk HS/S4/12/30/4

**Agenda Item 4**

Note by the Clerk HS/S4/12/30/5

**Agenda Item 5**

PRIVATE PAPER HS/S4/12/30/6 (P)

## POLICY NOTE

### **DRAFT : The Glasgow Commonwealth Games Act 2008 (Ticket Touting Offence) (Exceptions for Use of Internet etc.) (Scotland) Regulations 2012**

1. These Regulations are made in exercise of the powers conferred by sections 19 and 43(2) of the Glasgow Commonwealth Games Act 2008 (asp 4) (“the Act”) and section 2(2) of the European Communities Act 1972 (c.68). They specify circumstances in which making facilities available in connection with electronic communications or the storage of data is, or is not, be capable of constituting a ticket touting offence under section 17 of the Act. They also ensure compliance with Directive 2000/31/EC on certain legal aspects of information society services in the Internal Market (OJ L 178, 17.7.2000, p.1).

#### **Policy objectives**

2. It is a requirement of hosting the Glasgow 2014 Commonwealth Games that the Scottish Ministers meet commitments given to the Commonwealth Games Federation. These require measures to be taken prevent the touting of tickets.

3. Measures to prevent the touting of Commonwealth Games tickets are provided for in the Act. In particular, when section 17 of the Act comes into force on 29th November 2012, it will become an offence (“the touting offence”) for an unauthorised person to sell, offer to sell, expose for sale, advertise, make available or give away a Games ticket in a public space, for an amount exceeding the ticket’s face value or with a view to making a profit. The touting offence applies to acts done in or outwith Scotland. However, it does not apply to acts done by the Organising Committee or the Commonwealth Games Federation and acts otherwise done in accordance with an authorisation given by the Organising Committee.

4. Regulations 4 to 6 specify circumstances involving mere conduit, caching and hosting of information society services which are not capable of constituting the touting offence. In addition, regulation 3 provides that where an information society service provider is based in another EEA state, proceedings cannot be taken against that provider unless certain preconditions are met. These provisions are necessary to ensure compliance with Directive 2000/31/EC on certain legal aspects of information society services in the Internal Market.

#### **Consultation**

5. A 12-week public consultation on the draft regulations was launched on 7 March 2012. In particular, businesses that might be affected such as the internet ticketing industry (primary, resale and specialist ticketing agents) were consulted. Two responses were received. Both supported the introduction of the regulations. The Organising Committee, Glasgow City Council and trading standards officials were also consulted on the proposals for these regulations.

#### **Impact assessments**

6. The impact on business of making these Regulations is minimal because they specify circumstances which are not capable of constituting the touting offence. Businesses will not therefore have any additional administrative burden placed on them. A Business Regulatory Impact Assessment will be published on the Scottish Government’s website shortly.

**Financial effects**

7. These Regulations are not considered to have any significant financial effect on the Scottish Government, local government or on business.

Scottish Government  
September 2012

# Final

## Business and Regulatory Impact Assessment

<p><b>Title of Proposal</b></p> <p><b>The Glasgow Commonwealth Games Act 2008 (Ticket Touting Offence) (Exceptions for Use of Internet etc) (Scotland) Regulations 2012</b></p>
<p><b>Purpose and intended effect</b></p> <ul style="list-style-type: none"> <li>• <b>Objective</b> To specify circumstances in which the use of the internet or other electronic media is, or is not, capable of constituting an offence to tout a Glasgow 2014 Commonwealth Games ticket.</li> <li>• <b>Background</b> It is a requirement of the Commonwealth Games Federation (CGF) that Scottish Ministers meet their commitment under the Host City Contract to put in place legislation which makes it an offence to tout Commonwealth Games tickets. The Glasgow Commonwealth Games Act 2008 ('the Act') satisfies this requirement in so far as it makes it an offence to tout a Commonwealth Games ticket ('the touting offence').</li> <li>• <b>Rationale for Government intervention</b> Further regulations are required to ensure that the touting offence provisions contained in the Act will satisfy the requirements of Directive 2003/31/EC on certain legal aspects of 'information society services'. In particular, they will specify circumstances in which making facilities available in connection with electronic communications or the storage of data is, or is not, capable of constituting the ticket touting offence under the Act. There are no existing regulations which specifically fulfil this function, therefore, a tailored approach is needed for the Glasgow 2014 Commonwealth Games. The proposed regulations will help to contribute towards the Scottish Government's Strategic Priority of maintaining a supportive business environment.</li> </ul>
<p><b>Consultation</b></p> <ul style="list-style-type: none"> <li>• <b>Within Government</b> The Scottish Government consulted the Organising Committee (Glasgow 2014 Ltd), Glasgow City Council and trading standards officials on the proposal for the regulations. UK Government officials and officials from the other devolved administrations were consulted separately on similar provisions contained in the Glasgow Commonwealth Games Act 2008 (Ticket Touting Offence) (England and Wales and Northern Ireland) Order 2012. That Order, which was made under section 104 of the Scotland Act 1998, makes it an offence to tout a Commonwealth Games ticket in England and Wales and Northern Ireland with effect from 29 November 2012. It similarly specifies the circumstances in which the use of the internet or other electronic media is not capable of constituting that offence. Comments on the draft Order resulted in changes being made to make the meaning clearer and these refinements are reflected in these regulations. Officials within the Scottish Government Justice Directorate have provided advice on issues relating to enforcement. Scottish Government Legal Aid Team has provided advice on the implications for the legal aid fund. In addition, the experience of the Metropolitan Police in dealing with instances of touting London 2012 Olympic Games tickets was sought.</li> </ul>



- **Public consultation**

A public consultation on the Glasgow Commonwealth Games Bill was carried out in 2007. Over 300 organisations were consulted including key Scottish businesses, local authorities and others with an interest in the provisions of the Bill including ticket touting provisions. The responses were broadly supportive of those ticket touting provisions, including the power in section 19 of the Act to, by regulation, specify circumstances in which making facilities available in connection with electronic communications or the storage of data is, or is not, capable of constituting the touting offence.

A 12 week consultation on the draft regulations was launched on the Scottish Government's website on 7 March 2012. Notification of the consultation was issued to 56 organisations and retail businesses including a number within the ticketing industry. In addition, anyone who wished to comment on the proposals had an opportunity to respond to this public consultation. Consultees were invited to comment on the regulations and provide evidence of any additional burdens to business or competitiveness. The consultation closed on 30 May 2012. Two responses were received and these both supported the introduction of the regulations. Comments from eBay resulted in the draft provisions in the regulations (and the s104 Order) being revised to improve their clarity.

- **Business**

A number of businesses that could potentially be affected by the introduction of the regulations were consulted during their development. These included the industry representative organisation - Society of Ticket Agents and Retailers - and a number of organisations within the Internet ticketing industry, including primary, resale and specialist ticketing agents.

The main purpose of these discussions was to provide ticketing agents, involved in resale of event tickets, with more details about the proposals for the regulations and to hear their views on how they could be affected. Businesses were specifically asked to comment on whether the regulations were likely to increase their running costs or administrative burden, but declared that this was not likely to be the case.

Internet auction websites and re-sale ticketing organisations generally have automated filter systems in place which potentially identify illegal sales in order to remove these adverts. These filter systems were deployed to identify the resale of tickets for the London 2012 Olympic Games events.

Prior to considering the introduction of these regulations two options were considered by the Scottish Government.

**Option 1: Do nothing**

Currently, provisions within the Act make it an offence for any unauthorised person to sell, offer to sell, expose for sale, advertise, make available or give away a Commonwealth Games ticket in a public space, for an amount exceeding the ticket's face value or with a view to making a profit. The absence of further provision would give rise to a risk that the touting offence in the Act would be enforced incompatibly with the requirements of Directive 223/31/EC. It may thereby hinder the proper functioning of the internal market by not ensuring (to the extent required) the free movement of information society services between Member States of the EU and parties to the Agreement on the European Economic Area..

**Option 2: Introduce the Glasgow Commonwealth Games Act 2008 (Ticket Touting Offence) (Exceptions for Use of Internet etc) (Scotland) Regulations 2012**

Regulations which restrict any and all resale of tickets for any event would impact adversely on the businesses within the Internet ticketing industry, who rely on the resale of event tickets as part of their business, as they would lose the auction fee – typically between 4 and 9% of the sale price. Specifying circumstances involving the mere conduit, caching and



hosting of information society services which are not capable of constituting the touting offence, enables such activity to take place without the threat of criminal sanction.

#### **Sectors and groups affected**

There is no legitimate market in touting Games tickets, therefore, consumers will benefit by not being exposed to illegal ticket sales. Only internet ticket resale companies will be affected by the need to ensure that no Games tickets are exposed for sale on their sites. The additional costs to business is expected to be negligible for the reasons outlined below. It is not envisaged that the regulations will affect any other individual, organisation or group.

- **Benefits**

##### **Option 1: Do nothing**

This option avoids the cost to Scottish Government of producing the regulations but the benefits highlighted under option 2 would not be realised.

##### **Option 2: Introduce the Glasgow Commonwealth Games Act 2008 (Ticket Touting Offence) (Exceptions for Use of Internet etc) (Scotland) Regulations 2012**

Specifying circumstances involving mere conduit, caching and hosting of information society services which are not capable of constituting a touting offence will ensure that legitimate businesses will not be penalised for providing such services.

- **Costs**

##### **Option 1: Do nothing**

Lack of clarity might discourage legitimate businesses from offering and providing internet services involving mere conduit, caching and hosting of information and thereby result in a loss of business opportunity and competition.

##### **Option 2: Introduce the Glasgow Commonwealth Games Act 2008 (Ticket Touting Offence) (Exceptions for Use of Internet etc) (Scotland) Regulations 2012**

It is envisaged that existing filtering systems adopted by the internet ticketing industry should be able to be modified at negligible cost to permit activity in the specified circumstances.

#### **Scottish Firms Impact Test**

As mentioned previously, a number of businesses who could potentially be affected by the introduction of the regulations were consulted during the development of the regulations. These included the industry representative organisation – Society of Ticket Agents and Retailers – and a number of organisations within the Internet ticketing industry, including primary, resale and specialist ticketing agents such as eBay.

The main purpose of these discussions was to provide ticketing agents, involved in resale of event tickets, with more details about the regulations and to hear their views on how they could be affected. Businesses were specifically asked to comment on whether the regulations were likely to increase their running costs or administrative burden, but declared that this was not likely to be the case.

#### **Competition Assessment**

There is no legitimate market in touting Commonwealth Games tickets. The regulations are expected to advantage rather than adversely impact on any businesses involved in the provision of services that fall within the specified circumstances. The regulations do not limit the number or range of such businesses nor do they place any additional burden on them.

#### **Test run of business forms**

The regulations will not introduce any new business forms.

#### **Legal Aid Impact Test**

The regulations are not expected to create any additional pressures on the legal aid fund. This view has been confirmed by the Scottish Legal Aid Board.



**Enforcement, sanctions and monitoring**

The ticket touting offence will be enforced by the police or by enforcement officers designated by the Glasgow 2014 Organising Committee. Designated enforcement officers will be drawn predominantly from local authority trading standards officers who are experienced in dealing with this type of offence.

A person convicted of the ticket touting offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale (currently £5,000).

Due to their time-limited nature, no specific monitoring of the effectiveness of the regulations will take place. However, intelligence on prosecutions may be gathered as a contribution to the Games knowledge transfer.

**Implementation and delivery plan**

The regulations are intended to come into force on the same day the touting offence comes into force, namely 29 November 2012. Details will be announced on the Organising Committee's website.

**Post-implementation review**

No formal review of these provisions will be carried out as the restrictions apply only to the Glasgow 2014 Commonwealth Games – a one-off event – and will cease to have effect on the day on which the Act ceases to have effect.

**Summary and recommendation**

The regulations are not expected to have an adverse impact on business. We recommend that regulations are produced which are proportionate, meet the CGF's requirements and which meet the Scottish Ministers commitments given in the Host City Contract. In particular, the regulations will specify the circumstances when the making of facilities available in connection with electronic communications or the storage of data is, or is not, capable of constituting a ticket touting offence.

**Summary costs and benefits table**

Option	Benefits	Costs
1. Do nothing	Avoids cost to Scottish Government in producing the regulations.	Potential loss of opportunity and competition as a result of businesses being discouraged from providing services in the specified circumstances.
2. Make the regulations	Ensures that legitimate business are able to provide services in the specified circumstances without threat of penalty.	Negligible cost to internet ticketing industry to modify existing filtering systems.

**Declaration and publication**

I have read the impact assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact on the policy, and (b) that the benefits justify the cost. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

**Signed:**A handwritten signature in black ink, appearing to read 'S. Robison'.**Date:** 1 OCTOBER 2012**Shona Robison, Minister for Commonwealth Games and Sport****Scottish Government Contact point:**

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Games Delivery Team  
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**Health and Sport Committee**

**30th Meeting, 2012 (Session 4), Tuesday, 6 November 2012**

**Subordinate Legislation Briefing**

**Overview of instrument**

1. There is one affirmative instrument for consideration.
2. A brief explanation of the instrument, along with the comments of the Subordinate Legislation Committee, is set out below. If members have any queries or points of clarification on the instrument which they wish to have raised with the Scottish Government in advance of the meeting, please could these be passed to the Clerk to the Committee as soon as possible.

**Details on the instruments**

3. [The Glasgow Commonwealth Games Act 2008 \(Ticket Touting Offence\) \(Exceptions for Use of Internet etc.\) \(Scotland\) Regulations 2012 \[draft\]](#) make provision in relation to the circumstances in which making facilities available in connection with electronic communications or the storage of data is, or is not, capable of constituting an offence under section 17(1) of the Glasgow Commonwealth Games Act 2008 ("the touting offence"). They also ensure compliance with Directive 2000/31/EC on certain legal aspects of information society services in the Internal Market (OJ L 178, 17.7.2000, p.1). They cease to have effect on the same day that the Act ceases to have effect.
4. The Subordinate Legislation Committee has not made any comments on this instrument.

**Rebecca Lamb**  
**Assistant Clerk**  
**Health and Sport Committee**

**Health and Sport Committee**

**30th Meeting, 2012 (Session 4), Tuesday, 6 November 2012**

**PETITION PE1384**

**Introduction**

1. This paper invites the Committee to consider for the first time petition PE1384, which was lodged on 6 January 2011.
2. PE1384, by Kim Hartley, on behalf of the Royal College of Speech and Language Therapists (RCSLT), calls on the Scottish Parliament to urge the Scottish Government to demonstrate how its policies and guidelines ensure local authorities and NHS boards protect provision of quality speech and language therapy services for all people with speech/language communication support needs and/or swallowing difficulties.
3. At its meeting on 18 September 2012, the Public Petitions Committee (PPC) considered the petition and agreed, under Rule 15.6.2, to refer the petition to the Health and Sport Committee to take such action as it considers appropriate.
4. Information regarding this petition can be found on the Scottish Parliament website:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/40076.aspx>

5. A SPICe briefing prepared for the PPC can be accessed here:

<http://www.scottish.parliament.uk/ResearchBriefingsAndFactsheets/Petitions%20briefings%20S3/PB11-1384.pdf>

**Consideration by Public Petitions Committee**

6. The Public Petitions Committee considered the petition on seven occasions.

*Session 3 consideration*

7. This petition was first considered by the Session 3 PPC in January 2011, at which time views were sought from the Scottish Government, Glasgow City Council, NHS Lothian, NHS Fife and NHS Greater Glasgow and Clyde. The Scottish Government advised that it was for individual NHS boards to determine appropriate staffing levels.

*Session 4 consideration*

8. At its meeting on 29 November 2011, the PPC again considered the petition and agreed to ask the Scottish Government how it saw SLT fitting into the preventative spend agenda and what action it was taking to encourage health boards to invest in SLT services to secure savings in other health service areas.
9. In response, the Scottish Government said that it recognised that a number of services provided by Allied Health Professions (AHP) had the potential to make



significant contributions to the preventative spend agenda, including services provided by SLT. It was aware of the work being undertaken by the RCSLT.

10. The PPC considered the petition once again at its meeting on 12 June 2012. It agreed to write to the Scottish Government to ask that the points raised by the petitioner be taken into account when formulating the final AHP National Delivery Plan. The Committee agreed to consider the petition further when the AHP National Delivery Plan was available.

11. The plan was published on 20 June 2012. The Scottish Government's letter of 7 August 2012 [Annexe A] sets out how the issues raised by the petitioner have been reflected in the AHP Delivery Plan.

12. The letter states that the Plan recognises the key contribution AHPs can make to the wider public health agenda and will help to maximise AHPs' contribution and effectiveness. The letter explains that NHS Boards and local authorities will now develop local implementation plans identifying how they intend to deliver and evidence the outcomes of the National Delivery Plan and conduct reviews of progress against the local implementation plans.

13. In response to the Scottish Government's letter, the petitioner, in her letter of 10 September 2012 [Annexe B], told the PPC that she believed that the PPC sustained support and action had had a significant impact on the outcomes for SLT service users in respect of the AHP National Delivery Plan. The petitioner also says that the Plan better reflects the value and impact of all AHPs and the broader range of care groups than the original consultation.

14. The letter from the petitioner goes on to say that the—

“National Delivery Plan comes with no clarity on funding to extend AHP workforce provision. The SLT workforce has in fact shrunk by 2.4% against an average of 0.6% since 2008.”

15. The petitioner's letter also states that, according to the Scottish Government's consultation on the proposed integration of adult health and social care bill, AHPs are not to be included in statutory guidance on health and social care board membership. The letter details that, in the RCSLT response to the Government's consultation on the Bill, it has called for:

- Delivery of quality AHP services to be more explicitly and transparently owned by health and social care boards
- AHP professional leaders/advisers to be defined, in statute (either in the Bill or subsequent regulation), as essential members of commissioning and planning bodies – above, at and below health and social care board level.

16. The PPC considered the correspondence from the Scottish Government and petitioner at its meeting on 18 September 2012. The PPC agreed to refer the petition to the Health and Sport Committee for further consideration of the issue.

### **Proposed Scottish Government integration of adult health and social care bill**

17. The Scottish Government announced that an adult health and social care integration bill would be introduced as part of its legislative programme for the 2012-13 parliamentary year. The bill would be likely to fall within the Health and Sport Committee's remit.

18. Consultation on the Scottish Government's proposals closed on 11 September 2012.

### **Health and Sport Committee inquiry into integration of health and social care**

19. The Committee conducted a short inquiry into Scottish Government plans for the integration of health and social care and published its report on 4 May 2012.

20. The RCSLT was one of the organisations that responded to the call for views on the committee's inquiry.

21. The Committee presented its findings to the Scottish Government as a contribution to its consultation process on the forthcoming bill.

22. Once the proposed adult health and social care integration bill has been introduced (subject to the Parliamentary Bureau's approval) it is expected that it will be referred to the Health and Sport Committee to consider and report on the general principles of the Bill.

### **Consideration of the petition – Health and Sport Committee**

23. Members may wish to consider whether it would be appropriate for the Committee to undertake any further work on the petition. The petition has remained open for a considerable period of time, straddling two parliamentary sessions, and the issues it raises have, arguably, been aired and fairly examined at some length by the PPC. The Scottish Government has also responded to the petition on a number of occasions.

24. Given these considerations, the Committee may wish to take the view that there is nothing further that it can usefully do on the petition, beyond agreeing to consider, in a general sense, the proposed roles of allied health professionals in forthcoming legislation.

### **Recommendation**

25. The Committee is therefore invited to—

- a) agree to consider, in a general sense, the issues raised by the petitioner during the Committee's forthcoming scrutiny of the proposed adult health and social care integration bill; and
- b) close the petition

**Rebecca Lamb**  
**Assistant Clerk to the Health and Sport Committee**

## Annexe A

**Correspondence from Scottish Government 7 August 2012**

Dear Alison

**CONSIDERATION OF PETITION PE1384**

Thank you for your letter of 26 June 2012 to Anne Lillico, Office of DG Health and Social Care, regarding the above Petition.

The Committee had asked that the four points raised by the petitioner in her most recent response be taken into account when formulating the final AHP Delivery Plan. We received 107 responses to the consultation document, including the response from the petitioner on behalf of the Royal College of Speech and Language Therapists. The Delivery Plan was published on 20 June 201 and can be found [here](#), I have set out below how each of the points raised by the petitioner has been addressed.

**1. The AHP Delivery Plan must have a wider, more inclusive vision of people's needs, independent living, the value of all AHPs and the AHP contribution to Scotland's performance.**

The consultation document focused mainly on the care of older people and a number of those who responded to the consultation suggested that the final AHP Delivery Plan should be broader. We have listened to those respondents and ensured that the final plan demonstrates the contribution all AHPs can make and the impact they can have on delivery of national policy; on the experiences of people who use services, their families and carers; and on outcomes across health and social care sectors. It makes explicit the alignment of AHP leadership and practice towards the delivery of the nationally agreed outcomes for integration of health and social care services and shows how better value can be extracted from AHP expertise from strategic to front line levels, demonstrating the added value of preventative, upstream approaches in enabling people to live well and for as long as possible in their own homes and communities. The Plan recognises that AHPs, in partnership with all health professionals, make a significant contribution to improving health and reducing health inequalities as a component part of their delivery of services. The Delivery Plan gives us an opportunity to strengthen and promote their role in the area of public health, focusing on the promotion of good health through primary and secondary prevention in partnership with other agencies, including the third sector.

The Delivery Plan includes a chapter on „Supporting Early Years“ and contains specific reference to the need to improve children's services and in particular states that consideration should be given to how to support children with communication needs to access the curriculum and achieve their full potential through partnership approaches and creative working across agencies, including justice.

The Plan includes a specific action relating to children's services which states:

“AHP directors will work with AHP leads for children's services and AHP leads in social care to develop a transformational children and young people's service plan to meet the evolving needs of this care group and to provide an equitable and

sustainable national model that reflects the early years agenda and the move towards integration of health and social care.”

**2. The AHP Delivery Plan should commit to gradual improvement of access to essential AHP services.**

Improving access to AHP services is a long-standing priority for service users, the Plan recognises the need to address the responsiveness of AHP services and to reduce unnecessary variation in AHP waiting times. A specific action relating to waiting times is included in the Plan:

“AHP directors will drive the delivery of AHP waiting times within 18 weeks from referral to treatment, inclusive of all AHP specialties (except diagnostic and therapeutic radiographers) with a target of 90% by December 2014.”

A recent census of AHP waiting times indicated that while only 4% of adults and 7% of children waited over 18 weeks for their first AHP treatment. While the number of patients waiting more than 18 weeks is small, in some cases children waited over 1 year for their first AHP treatment. This means the introduction of a waiting times target for this group will be particularly challenging, but should lead to an improvement in the services provided for children.

**3. The AHP Delivery Plan should set desirable target which are achievable because they are rooted in reality of current service.**

We believe the 27 specific actions included in the AHP Delivery Plan are ambitious but achievable. The process we followed in developing the Delivery Plan included close working with the AHP Directors from across Scotland and while they recognise that the actions contained in the plan are challenging, they are committed to ensuring that they are achieved in the timescales set out in the plan and as Chief Health Professions Officer for Scotland, I have offered my support to the AHP Directors and to social work colleagues to enable that to happen.

**4. The AHP Delivery Plan should “Do as it says” and commit to stronger AHP leadership – from the Scottish Government’s Health Directorates – to NHS and Integrated Health and Social Care Boards across Scotland.**

Strengthening leadership is a key commitment in the Delivery Plan and there are specific actions in the Plan relating to leadership within NHS Boards and local authorities and within Community Healthcare Partnerships as well as an action focused on developing AHP capacity and capability in leadership and quality improvement methodologies. The letter to NHS Chief Executives regarding implementation of the Delivery Plan (CEL27 (2012)) which was issued on 6 August 2012 states that each NHS Board will require robust leadership from an AHP Director and that AHP service leaders from health and social care will be required to bring about and sustain transformational service level change in the context of integration.

I hope you find this response helpful and that it reassures the Committee that the AHP National Delivery Plan recognises the key contribution AHPs can make to the



wider public health agenda and will help to maximise AHPs' contribution and effectiveness. NHS Boards and local authorities will now develop local implementation plans identifying how they intend to deliver and evidence the outcomes of the National Delivery Plan and I will lead annual reviews of progress against those local implementation plans.

Yours sincerely

**JACQUI LUNDAY**

**Chief Health Professions Officer**

## **Annexe B**

### **Correspondence from Petitioner 10 September 2012**

Dear Chris,

Firstly, I am very grateful to the Committee for continuing to pursue the Giving Voice petition. Their sustained support and action has, I believe, had a significant impact on the outcomes for SLT service users in respect of the AHP National Delivery Plan in particular.

My response to the Scottish Government's letter, responding to the Committee's most recent correspondence, is as follows.

The Committee had asked that the four points raised by the petitioner in her most recent response be taken into account when formulating the final AHP Delivery Plan.

**1. The AHP Delivery Plan must have a wider, more inclusive vision of people's needs, independent living, the value of all AHPs and the AHP contribution to Scotland's performance.**

I agree with the Scottish Government that the final AHP National Delivery Plan better reflects the value and impact of ALL AHPs and broader range of care groups than the original consultation document.

**2. The AHP Delivery Plan should commit to gradual improvement of access to essential AHP services.**

The petition calls on *"...the Scottish Parliament to urge the Scottish Government to demonstrate how its policies and guidelines ensure local authorities and NHS boards protect provision of quality speech and language therapy services for all people with speech/language communication support needs and/or swallowing difficulties."*

The AHP National Delivery plan has, at last, as the government indicate got targets for AHP access. This means that now the Scottish Government can to some extent at least ... *"demonstrate how its policies and guidelines ensure local authorities and NHS boards protect provision of quality speech and language therapy services for all people with speech/language communication support needs and/or swallowing difficulties."*

This represents a huge step forward for AHP service users.

The Committee may wish to note that the "over target" waiting times referred to by the government include Speech and Language Therapy median waits for Children up to 27 weeks with a maximum of 81 weeks – and for adults – 16 weeks median and maximum 32 weeks. See <http://www.isdscotland.org/Health-Topics/WaitingTimes/Publications/2012-07-10/2012-07-10-AHPWaitingTimes-Report.pdf>. (Page 15).

**3. The AHP Delivery Plan should set desirable target which are achievable because they are rooted in reality of current service.**

RCSLT agrees with Scottish Government that the National Delivery Plan is challenging. RCSLT welcome the support for strengthened leadership and better data gathering on service needs, workforce etc. The National Delivery Plan however comes with no clarity on funding to extend AHP workforce provision. The SLT workforce has in fact shrunk by 2.4% against an average of 0.6% since 2008.

**4. The AHP Delivery Plan should “Do as it says” and commit to stronger AHP leadership – from the Scottish Government’s Health Directorates – to NHS and Integrated Health and Social Care Boards across Scotland.**

RCSLT agrees that the National Delivery Plan provides much impetus and support for strengthened AHP leadership. RCSLT note however that, even although AHPs are considered key to delivery of health and social care, they are not (according to the closing consultation on the Integrated Health and Social Care Bill) to be included in statutory guidance on Health and Social Care Board Membership.

In the full response to the IHSC Consultation including headline responses (available on request from the Clerks to the Committee), the RCSLT:

11. call for delivery of quality AHP services to be more explicitly and transparently owned by Health and Social Care Boards.

12. call for AHP professional leaders/ advisers to be defined, in statute (either in the Bill or subsequent regulation), as essential members of commissioning and planning bodies – above, at and below - Health and Social Care Board level.

I hope this response is of interest to you and Committee members even at this late stage.

**Yours,**  
Kim Hartley