

**Correspondence from Public Audit Committee to the Scottish Government,
dated 3 February 2014**

Dear Mr Gray

**AUDITOR GENERAL FOR SCOTLAND (AGS) REPORTS “NHS FINANCIAL
PERFORMANCE 2012/13” AND “MANAGEMENT OF PATIENTS ON NHS
WAITING LISTS – AUDIT UPDATE”**

Thank you for providing oral evidence to the Public Audit Committee on the above reports, at the meeting on [29 January 2014](#).

During oral evidence, there were some matters you offered to clarify to the Committee in writing. For ease of reference, I have set these out below.

Treatment times guarantee

Under the Treatment Time Guarantee (TTG), all eligible inpatients and day care patients have a legal right to receive treatment within 12 weeks of their treatment being agreed. The Committee heard that at a national level, this guarantee is not fully being met and therefore some patients are not being treated within 12 weeks. During the evidence session, you offered to provide the Committee with further information on—

- figures held on the number of complaints made to each Board or patients requesting a case review, where the TTG has not been met;
- actions taken by Boards to assist patients where the TTG has not been met and a breakdown of when, after the 12 week guarantee, these patients have actually received their treatment.

Confidentiality clauses

You informed the Committee that you were in discussions with the Cabinet Secretary on the policy on the use of confidentiality clauses within compromise (or settlement) agreements within the NHS and offered to write back with further information on the policy on their use, when these discussions had concluded. The Committee would therefore, in due course, welcome an update on the outcome of these discussions.

There was some discussion around the use of approximately 697 compromise (or settlement) agreements provided to staff leaving the NHS between 2007 and 2013. The Committee would welcome confirmation of how many of these agreements had confidentiality clauses included within them and whether any confidentiality clauses have been issued as part of settlement agreements by the NHS since then.

I would welcome a response to this letter by close on 13 February, to allow the Committee to consider it at its meeting on 19 February 2014, when it is due to take evidence from the Cabinet Secretary for Health and Wellbeing. Should you require any further information, or should this timescale provide you with any difficulties, please do not hesitate to contact the Clerks on 0131 348 5236 or by email at: pa.committee@scottish.parliament.uk

**Hugh Henry MSP
Public Audit Committee Convener**