

## **SUBMISSION FROM NHS LANARKSHIRE**

### **Views on the Bill as a whole**

#### **1. Are you generally in favour of the Bill and its provisions?**

NHS Lanarkshire (NHSL) welcomes the opportunity to comment on the proposed Bill. NHSL's comments are based upon the potential impact of the Bill upon the health and wellbeing of residents of Lanarkshire i.e. people living in North and South Lanarkshire Council areas. NHSL is generally in favour of the Bill and its provisions as it provides the Scottish Government with appropriate flexibility to meet some of the health needs that may arise as result of the UK Welfare Reform Act.

#### **General Principles Underlying the Bill**

The Bill proposes that the Scottish Government be given powers to introduce regulations under the UK Welfare Reform Act and amend other Scottish legislation that relates to it. This would allow the Scottish Government to make the link between the devolved welfare matters for which it has responsibility and the reserved welfare matters which have been amended by the UK Welfare Reform Act. The Bill is necessary because in December 2011 the Scottish Parliament voted to take responsibility for these aspects rather than agreeing that the Westminster Parliament do so.

#### **2. What are your views on this principle?**

NHSL agrees with this principle as it seems sensible to make provisions to establish links between the devolved and the reserved welfare matters. This should enable the Scottish Government to make appropriate provisions for people living in Scotland with oversight by the Scottish Parliament. For example, NHS Lanarkshire is currently in discussions with representatives of the Local Medical Committee with regard to the issue of patients who independently seek support from their general practitioner with regards to appealing the outcome of a Department of Work and Pensions' Work Capability Assessment carried out by ATOS. This may have a significant impact upon the demands placed upon general practitioners in Lanarkshire. The Scottish Government may wish to consider a Scotland-wide response to this issue. NHSL is also anticipating a greater demand on its mental health services

#### **Universal Credit**

Section 1 of the Bill contains provisions relating to the introduction of Universal Credit. It gives the Scottish Government powers to introduce regulations and amend existing legislation in relation to the introduction of Universal Credit in April 2013.

#### **3. What are your views on the proposed powers in relation to Universal Credit?**

NHSL supports this provision in principle as it will enable the Scottish Government to take appropriate action to try to address issues that arise as a result of the introduction of the Universal Credit.

#### **4. Do you have any other comments on the introduction of Universal Credit?**

NHSL does not consider itself expert enough to comment on the pros and cons of the introduction of the Universal Credit, however, there is some concern that the proposed changes to the current payment of Housing Benefits may lead negative impacts upon some of our most vulnerable members of our community. There is the potential that an unintended consequence of the reform may be an increase in numbers of evictions due to rent arrears. Perhaps the introduction of this Bill may enable the Scottish Government to take appropriate action.

Personal Independence Payments Section 2 of the Bill contains provisions relating to the introduction of Personal Independence Payments. It gives the Scottish Government powers to introduce regulations and amend existing legislations in relation to the introduction of Personal Independence Payments in April 2013.

#### **5. What are your views on the proposed powers in relation to Personal Independence Payments?**

NHSL supports this provision in principle as it will enable the Scottish Government to take appropriate action to try to address issues that arise as a result of the introduction of the of Personal Independence Payments.

#### **6. Do you have any other comments on the introduction of Personal Independence Payments?**

It is NHSL's understanding that, with the introduction of Personal Independence Payments, there will be greater emphasis on the provision of aids and the adaptation of homes to assist independent living. This emphasis is welcomed however there is concern with regard to the financing of adaptations and of the demands that will be placed on staff.

#### **Subordinate Legislation**

Subordinate Legislation is legislation below the level of Parliamentary Bills – often regulations. Section 4 of the Bill contains provisions relating to subordinate legislation. It gives the Scottish Government powers to make regulations that relate to the UK Welfare Reform Act directly or indirectly. Sections 1-3 of the Bill also include new subordinate legislation powers for the Scottish Government. Under these sections it may make regulations which amend Acts as well as old regulations.

#### **7. What are your views on the proposed subordinate legislation powers in the Bill?**

These powers are welcomed as they should help to ensure that current benefits, often referred to as 'passported' benefits, can continue to be paid.

#### **8. Do you have any other comments on regulations that would follow this Bill on 'passported' benefits and eligibility for them?**

From a health perspective there is a need to ensure that those who need access to 'passported' benefits such as free school meals, Carers Allowance and Motability schemes are able to continue to access them once the new Welfare legislation is introduced.

### **Financial Memorandum**

The Financial Memorandum accompanying the Bill outlines the costs associated with this Bill and summarises them in a table at the end. However, as the Scottish Government states in the Memorandum 'the timetable being pursued by the UK Government presents limits to the Scottish Parliament's ability to assess the financial implications of legislation it considers.'

#### **9. Do you have any views on the assumptions and calculations contained in the Financial Memorandum?**

At this stage, it is not possible for NHSL to accurately assess the financial impact of the reforms on NHSL's ability to deliver services. It would seem that we will need to wait until the Welfare legislation comes into effect before a robust financial impact can be undertaken. That stated, we are concerned about the impact which the reforms may bring on the demands of NHSL staff working in the fields of mental health and long term conditions and general practice.

#### **Effects on Equal Opportunities, Human Rights, Island Communities and Sustainable Development**

The Policy Memorandum accompanying the Bill (para 21-25) outlines the assessments made by the Scottish Government on the potential impact of the Bill on equal opportunities, human rights, island communities and sustainable development. It notes that Equalities Impact Assessments will be published when it introduces subordinate legislation later in the year.

#### **10. Are you satisfied in the assessments that have taken place in regard to these matters and in the conclusions reached by the Scottish Government?**

The assessments and the conclusions seem reasonable.

**NHS LANARKSHIRE**