

**Dr Graham Foster, Director of Public Health & Strategic Planning
NHS Forth Valley**

Question 1: Which of the following best expresses your view of the proposed Bill?

Fully Supportive

Whilst worthwhile work is a strong contributor to public health overall it is important that the workforce is protected from preventable injury or illness. The cost of treating Industrial Diseases is substantial and adds to the pressures faced by the NHS.

Question 2: What do you think would be the main practical advantages and disadvantages of the proposed Bill?

Cost recovery is a strong factor and may allow more comprehensive care for those who suffer industrial disease. It may be challenging to establish where a disease or condition has an industrial cause and what proportion of the costs should be attributed to that potential cause. It will be important to ensure that the burden of proof is not such that it interferes with quality of care or delays support. The stress for patients and families of making a claim for compensation should be borne in mind and complex legal processes would be both a strong disincentive to pursue recompense but also present a considerable health burden for those already suffering illness or disability.

Question 3: What is your view of my preference for the recovery of medical costs for the treatment of industrial disease in Scotland to be incorporated into the Injury Costs Recovery scheme and administered by the Compensation Recovery Unit, part of the UK Department for Work and Pensions?

Neutral

The NHS Board does not have a view on the work of the UK Compensation Recovery Unit. Existing mechanisms for the assessment of benefits which have been contracted out to independent assessment arrangements have proved challenging and distressing for disabled persons and NHS patients. It will be important to ensure any arrangements do not further distress individuals who have already suffered injury and or illness and who are dependent upon NHS care as a result.

Question 4: Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

- (a) Government and the public sector:** Some increase in cost
- (b) Businesses:** Cost neutral
- (c) Individuals:** Significant reduction in cost

Prevention is highly cost effective. Where businesses take action to avoid injury to employees then substantial cost is avoided in the long term. This would not help businesses if substantial retrospective claims were to occur relating to historical practices.

For the public sector it is unlikely that significant cost savings will be realised within the universal service free at point of delivery as individuals suffer complex combinations of illness and disability and will require ongoing care which within the Scottish context will always be from the NHS.

The main benefit is likely to be to affected individuals if appropriate compensation was readily available for proven industrial injury or disease.

Question 5: Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?

The Bill needs to establish simple processes with minimum inconvenience to affected individuals. Health assessments and court appearances are challenging for those most in need of support.

Businesses may mount strong legal challenges. The Bill needs to avoid adding substantial legal costs for the public sector.

NHS cannot afford for clinical staff to be called away from front line clinical duties and required to attend court as witnesses.

Question 6: What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, race, religion and belief, sex, sexual orientation?

Positive

Deprived populations are those most affected by Industrial diseases and those least able to fund their own care and adaptations to cope.

Question 7: In what ways could any negative impact of the Bill on equality be minimised or avoided?

No response

Question 8: Do you consider that the proposed Bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Yes

Question 9: Do you have any other comments or suggestions on the proposal?

No response