

Gillian Martin MSP
Convener, Health, Social Care and
Sport Committee

By email

All correspondence c/o:

Finance and Public
Administration Committee Clerks
Room T3.60
The Scottish Parliament
Edinburgh
EH99 1SP

Tel: 0131 348 5219

Textphone: 0800 092 7100

FPA.committee@parliament.scot

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Dear Gillian,

Patient Safety Commissioner for Scotland Bill

As you are aware, the Finance and Public Administration Committee (the Committee) is responsible for scrutinising Financial Memorandums (FMs) to Bills. As such, the Committee ran a call for views on the FM for the Patient Safety Commissioner for Scotland Bill between 28 October 2022 and 6 January 2023. While the Committee received no responses to the call for views on the Financial Memorandum, we would highlight concerns expressed in our evidence session with the Scottish Parliamentary Corporate Body during scrutiny of its Budget for 2023-24 to help inform your scrutiny of the Bill at Stage 1.

The FM states that, “although the Patient Safety Commissioner will be an independent officeholder, in exercising their statutory functions, they will be accountable to the Scottish Parliament, and the creation of the Commissioner will result in additional costs on the Scottish Parliament budget.” The FM further notes that the set-up costs for the Patient Safety Commissioner in 2023/24 and 2024/25 are expected to reach £150,234, with annual running costs thereafter estimated at £644,065.

At its meeting on [10 January 2023](#), the Committee took evidence from the Scottish Parliamentary Corporate Body (SPCB), which has ongoing responsibility over the resourcing of officeholders. One of the areas explored by the Committee during evidence related to officeholders’ bids, which for 2023-24 amount to a total of £16.6m, £1.2m (8.1%) higher than the 2022-23 budget and £0.8m (5.4%) higher than was forecast in the SPCB’s budget for 2022-23. While this increase mainly reflects resourcing needs in the Commissioner for Ethical Standards in Public Life in Scotland and the Scottish Human Rights Commission, both the SPCB and the Committee have expressed concerns regarding the increasing number of commissioners with their associated costs.

There are currently 7 independent officeholders supported by the SPCB, with several more commissioners currently envisaged, including the Patient Safety Commissioner for Scotland. As the SPCB highlighted “the fact that we could be looking at having 14

Commissioners means that we are looking at a considerable increase". [...] The process is complicated, but we are moving into a period in which it is becoming regarded as a casual thing to suggest and implement the establishment of another commissioner, despite it being an expensive extension of our public sector."¹

In light of the above, I would draw your attention to the following recommendation from the Committee's report on the Scottish Budget 2023-24 [link to be added], published on 25 January:

"The Committee expresses concern regarding the potential for a significant increase in the number of officeholders with their associated costs. In 2023-24 the percentage increase in funding needed to meet those costs appears to be significantly higher than that made available to other areas of the public sector."

We further note the Presiding Officer's submission to your Committee's call for views on the National Care Service (Scotland) Bill, which contains provisions that impact on the SPCB, specifically the funding of officeholders.

The Finance and Public Administration Committee will continue to scrutinise the Financial Memorandums associated with any future officeholder legislation and to draw concerns to the attention of the relevant lead committee where appropriate. In the case of the Patient Safety Commissioner for Scotland Bill, for which no written submissions on the Financial Memorandum were received, we would invite you to explore with the Scottish Government the concerns regarding the financial impact of establishing this Commissioner on the SPCB's officeholder responsibilities and the extent to which a more strategic approach to the establishment of and resourcing for future potential officeholders might be considered in future.

We would welcome the Health, Social Care and Sport Committee giving consideration to the above issues as part of its scrutiny of the Bill.

Yours sincerely,

Kenneth Gibson MSP
Convener, Finance and Public Administration Committee

¹ [Official Report, Finance and Public Administration Committee, 10 January 2023](#)