Palliative Care (Scotland) Bill

St Columba’s Hospice

Thank you for the opportunity to respond to the proposed Palliative Care (Scotland) Bill. At St Columba’s Hospice, we are absolutely committed to palliative care based on need not diagnosis. We fully recognise that many patients without a cancer diagnosis may benefit from both a generalist palliative approach and, at times, input from specialist palliative care services. We welcome the Scottish Government’s Action Plan, ‘Living and Dying Well’ with its emphasis on identification of palliative care need, excellent assessment, care planning and coordination and communication between relevant services. These issues have been key in the development of NHS Lothian’s palliative care strategy.

As an independent Hospice, we in partnership with our other specialist palliative care colleagues and with NHS Lothian are already committed to excellence in palliative care provision throughout Lothian. We cannot see any rationale for an additional legal requirement to be placed on NHS Boards to provide palliative care. We also cannot see how this could be implemented or monitored effectively. We would also express concern that duty to provide palliative care might become perceived as a right to receive palliative care for patients and families. The phrase “according to the reasonable needs of such person or persons” is open to wide interpretation. We wonder if any thought had been given to the possibility of appeals from patients and families who felt that their needs had not been met. What criteria would these appeals be judged against? We also wonder why palliative care, in particular, should be singled out for Health Boards to provide as a statutory duty when there are many other areas of health care, which could be regarded as equally important and would not come under the same statutory heading e.g. good mental health care, good cardiological care, good surgical care, and good paediatric care, to name only a few.

Proposed Palliative Care (Scotland) Bill – June 2010

Whilst we welcome increased emphasis on providing palliative care, we would conclude that there is no evidence that making it a statutory duty for Health Boards will do anything more than is currently being proposed through ‘Living and Dying Well’. We therefore feel that there is no need for this legislation.

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