PUBLIC AUDIT COMMITTEE

AGENDA

6th Meeting, 2011 (Session 3)

Wednesday 2 March 2011

The Committee will meet at 9.30 am in Committee Room 4.

1. **Decision on taking business in private:** The Committee will decide whether to take item 6 in private.

2. **Section 23 report - Edinburgh trams: Interim report:** The Committee will take evidence on the Auditor General for Scotland's report entitled "Edinburgh trams: Interim report" from—

   David Middleton, Chief Executive, and Ainslie McLaughlin, Director of Major Transport Infrastructure Projects, Transport Scotland.

3. **Session 3 reports of the Public Audit Committee - key themes:** The Committee will consider a response from the Accountable Officer on the report entitled "Session 3 reports of the Public Audit Committee - key themes".

4. **Section 23 report - The role of boards:** The Committee will consider responses from the Accountable Officer, the Office of the Commissioner for Public Appointments in Scotland and the Scottish Funding Council on the Auditor General for Scotland's report entitled "The role of boards".

5. **Section 23 report - Improving energy efficiency: A follow-up report:** The Committee will consider correspondence from the Accountable Officer and the UK Government on the Auditor General for Scotland's report entitled "Improving energy efficiency: A follow-up report".

6. **Consideration of evidence - Edinburgh trams: Interim report:** The Committee will consider the evidence received at agenda item 2.

7. **Annual report (in private):** The Committee will consider a draft annual report for the parliamentary year from 9 May 2010 to 22 March 2011.

8. **Legacy paper (in private):** The Committee will consider its draft legacy paper.

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The papers for this meeting are as follows—

Agenda item 2

PRIVATE PAPER   PA/S3/11/6/1 (P)

[Auditor General for Scotland Report](#)   PA/S3/11/6/2

Agenda item 3

Note from the Clerk including Scottish Government response   PA/S3/11/6/3

Agenda item 4

Note from the Clerk including Scottish Government, the   PA/S3/11/6/4
Office of the Commissioner for Public Appointments in
Scotland and the Scottish Funding Council responses

Agenda item 5

Correspondence from DG Enterprise and Environment   PA/S3/11/6/5

Correspondence from the Secretary of State for Energy and   PA/S3/11/6/6
Climate Change

Agenda item 7

PRIVATE PAPER   PA/S3/11/6/7 (P)

Agenda item 8

PRIVATE PAPER   PA/S3/11/6/8 (P)

Scottish Government 2nd Progress Report 2010   PA/S3/11/6/9

Correspondence from the Cabinet Secretary for Health and   PA/S3/11/6/10
Wellbeing

PUBLIC AUDIT COMMITTEE

6th Meeting 2011 (Session 3),

Wednesday 2 March 2011

**Session 3 reports of the Public Audit Committee – key themes
Scottish Government response**

Note by the Clerk

Background

1. On 18 January 2011, the Committee published its report entitled "Session 3 reports of the Public Audit Committee – key themes".

2. Attached to this paper, as an Annexe, is the formal response to the Committee's report from the Permanent Secretary of the Scottish Government.

3. The purpose of this paper is to invite members to consider and agree whether to take any further action in light of this response. The Committee is also invited to agree whether it wishes to receive an update on any aspect of the response as part of any "progress report" from the Scottish Government.

Parliamentary Debate

4. On Thursday 3 March 2011 a debate will be held in the Chamber on the Committee's report on Session 3 reports of the Public Audit Committee – key themes. This response has been provided in advance of the report response deadline in order to also inform that debate.

Progress Reports

5. At its meeting on 25 June 2008, the Committee agreed to request progress reports from the Scottish Government on key recommendations arising from all its reports twice per session (in Session 3 those dates were May 2008 and September 2010). The Committee also agreed that, on receipt of responses to its reports, the Committee would identify which recommendations, if any, it wished to see included in such progress reports.

6. Given the next Scottish Government progress report will be due in Session 4, the Committee may wish to consider and agree any issues it wishes to include in its legacy paper.

RECOMMENDATIONS

7. It is recommended that members:

A: Consider the attached response from the Scottish Government and confirm whether they wish to take any further action. Options:

- Note the response; or
- Request any further written evidence.

B: Consider and agree any issues to be included in the Committee legacy paper so that the Session 4 Public Audit Committee can consider whether to request an update on those issues in the next Scottish Government progress report.

Annexe A: The Scottish Government's response

PUBLIC AUDIT COMMITTEE 1ST REPORT, 2011 (SESSION 3)
Session 3 reports of the Public Audit Committee's Key themes

The Scottish Government welcomes the Public Audit Committee's first report on the key themes of transparency, data collection and measuring quality and governance.

Within the report the Committee have requested an update in relation to some specific report recommendations which are relevant to the key themes identified, and where the Scottish Government had responded to the Committee that progress was ongoing. Our responses to each of these are provided in turn.

Transparency

The Committee would welcome an update from the Scottish Government on whether it continues to make compromise agreements with departing staff and, if so, how this practice accords with the SPFM considerations that transactions should be open to proper scrutiny. (Paragraph 16)

As previously indicated to the Committee on 17 February 2010, compromise agreements are used only in exceptional circumstances when they offer clear business benefits to the organisation: for example, to avoid costly litigation at the public expense or to prevent disruption to organisational effectiveness. The public interest case for every proposed compromise agreement is dealt with on a case-by-case basis with the agreement of the Human Resources Directorate and within the financial control mechanisms operated within the Scottish Government. The Committee may wish to note that no compromise agreements have been entered into with a senior civil servant in the Scottish Government since the end of 2008.

The response of 17 February, 2010 also covered the Scottish Public Finance Manual issue. In summary, the confidentiality attached to a compromise agreement would not prevent Audit Scotland scrutinising the agreement and disclosing the position if evidence was found of any breach of financial propriety required by the Scottish Public Finance Manual. We consider that this arrangement balances the need for proper transparency and scrutiny of the use of public funds, enabling the organisation to be managed effectively and protecting the rights of individuals.

In the interests of further transparency and in line with the Financial Reporting Advisory Board (FRAB) paper issued by HM Treasury in August 2010, the Scottish Government can report that exit packages will be disclosed in future on an unnamed basis in a note to the Scottish Government's resource accounts. The information will identify the total number of exit packages by cost band.

The Committee would welcome an update from the Scottish Government on proposals to disclose the remuneration and financial payments to senior civil servants who have a salary of more than £58,200. (Paragraph 28)

As noted in the Committee's report, the names and job titles of Scottish Government senior civil servants with a salary over £150,000 were published by the Cabinet Office on 1 June 2010.

Further to this, on 29 October, 2010, in order to improve transparency further the Scottish Government published detailed structure charts which show the names, job title and salary for senior civil servants in the Scottish Government at Director level and above. At the same time information was published about all senior civil servants at Deputy Director level (i.e. those who have a salary of more than £58,200) showing job titles and a breakdown of their team by grade, staff numbers and total salary cost. This approach is consistent with that adopted across the Senior Civil Service. As the Senior Civil Service is a reserved matter the Scottish Government awaits further guidance from the Cabinet Office about disclosure of names and salaries of Deputy Directors.

The Committee would welcome an update from Scottish Ministers on whether and, if so, what changes have been made to the relevant guidance issued by Scottish Ministers. (Paragraph 35)

Existing guidance on commercial confidentiality and Freedom of Information (FoI) is contained in the Scottish Ministers' Code of Practice on the Discharge of Functions by Scottish Public Authorities under the Freedom of Information (Scotland) Act 2002 (FOI(S)A)2002) and Environmental Information Regulations. This guidance is supplemented by more detailed advice on Freedom of Information and procurement published by the Scottish Government's Procurement and Commercial Directorate. Essentially, the use of confidentiality agreements is discouraged. Standard practice is that companies are invited to identify what information is commercially confidential and to explain why (and for what period) it is commercially sensitive. Public Authorities are advised to make it clear to companies that they cannot be bound by the company's view on confidentiality.

In cases where information will only be provided if it is subject to a duty of confidence, public bodies are advised to ensure that any agreement is tightly drawn to cover only those elements of the information which is genuinely confidential. In circumstances where, notwithstanding the existence of a confidentiality agreement between the public authority and company providing the information, it is decided that FOI and the public interest requires disclosure, the public body may find itself liable for breach of confidence and/or breach of contract. In light of the above we believe that the existing guidance on commercial confidentiality is comprehensive and, if followed, should address the issue raised by the Committee (".....that public bodies working in partnership with private organisations, such as banks, could approach issues of financial confidentiality in a way that would promote transparency in the use of public funds.").

The guidance is, however, aimed primarily at procurement staff and in light of the Committee's recommendation we intend to consider ways in which it can be promulgated to a broader range of staff, including those working on issues such as the transfer of assets and obligations and related financial instruments.

Given the changing climate towards greater transparency in public sector operations, the Committee would welcome an update from the Scottish Government on how it proposes to increase the transparency of: financial payments made to staff; and the decision-making processes of ministers and officials. (Paragraph 37)

The response to paragraphs 16 and 28 covers the transparency aspects.

There are a number of changes that have been introduced to increase transparency:

New disclosure requirements relating to early severance payments apply from the financial year 2010-11 and are set out in the Government Financial Reporting Manual. These are measures brought in specifically to increase transparency and accountability in the awarding of exit packages and require bodies to set out details of comparative data, exit package band costs, number of compulsory redundancies, number of other departures agreed and total number of exit packages by cost band in their accounts.

The Government Financial Reporting Manual lays out how these costs should be accounted for and reported. Redundancy and other departure costs are paid in accordance with the provisions of the Civil Service Compensation Scheme, a statutory scheme made under the Superannuation Act 1972. Exit costs are accounted for in full in the year of departure. Where the department has agreed early retirements, the additional costs are met by the department and not by the Civil Service pension scheme. Ill-health retirement costs are met by the pension scheme and are not included.

The Scottish Government has also increased transparency in relation to amounts earned by higher paid staff. On October 29, 2010, the Scottish Government asked Scottish non-departmental public bodies (NDPBs) and Public Corporations to list on their websites the names and salary details of members of their senior leadership team equivalent to SCS Grade 2 and above. This information mirrors that published by the UK Government on the Cabinet Office website. http://www.cabinetoffice.gov.uk/newsroom/news_releases/2010/101015-structure-charts.aspx

Scottish public bodies have been asked to update their information as at 30 June and 31 December each year (or as and when revisions or corrections are required).

The Senior Civil Service (SCS) falls within the areas reserved in the Scotland Act and pay (salaries) are managed by the Scottish Government within a framework and financial limitations set by the Cabinet Office. Information on SCS staff in the Scottish Government at Director level and above is available in the SCS Structure Charts. http://www.scotland.gov.uk/About/Directorates/scs-structure

A list of the names and daily fees for Scottish public appointments (chairs and members) is available on the Appointed for Scotland website. http://www.appointed-for-scotland.org/About-public-bodies/NDPB-Directory/

Links to the relevant disclosure pages on Scottish NDPBs and Public Corporations are available from: www.scotland.gov.uk/publicsectorpay

In addition, from April 2010 the Scottish Government has pro-actively made available details of monthly payments in excess of £25,000, available at http://www.scotland.gov.uk/About/Directorates/expenditure

The Scottish Public Finance Manual also includes guidance covering any special or ex gratia payments that might be made to staff, including an emphasis on the need for issues of regularity, propriety and value for money to be taken into account. This guidance has been reviewed in response to Scottish Government Audit Committee enquiries and adequate safeguards were considered to be in place.

The Public Services Reform (Scotland) Act 2010 imposes wide-ranging duties on the Scottish Government and listed public bodies to publish a range of financial and other information, including expenditure on public relations, overseas travel, hospitality and entertainment and external consultancy, as well as the number of individuals who receive remuneration in excess of £150,000 per year and details of all payments made in excess of £25,000. These new duties are designed to increase and to promote openness and transparency across public bodies in Scotland.

Data Collection and Measuring Quality

The Committee would therefore welcome an update from the Scottish Government on how the outcome of this review has improved the ability of councils and the Scottish Government to accurately monitor and project the long-term funding needs for FPNC. (Paragraph 48)

The Committee will wish to note that figures on Free Personal and Nursing Care expenditure are published as National Statistics for Scotland. This means that they are produced entirely independently of Ministers and go through rigorous quality assurance and validation before they are published. They are produced to high professional standards as set out in the National Statistics Code of Practice.

The Scottish Government has been working with COSLA and local authorities on developing a new data collection that records the eligibility criteria and waiting times of clients receiving a new Free Personal and Nursing Care service. The first data from this new collection will be released as 'data under development' on 29 March, 2011.

The data under development will provide a breakdown of new applicants for Free Personal and Nursing Care services by local authority where this information is available.

The Committee may also wish to be aware of developments to the Reshaping of Care for Older People programme. The Scottish Government is currently developing a 10-year delivery plan to define delivery of the programme. At its core is an ambition to optimise the independence and wellbeing of older people in their own

home or in a homely setting. The delivery plan will describe clearly the values, principles, aims and outcomes to be achieved over the next decade. It will be published once discussions with COSLA are complete reflecting that the plan and its delivery is a collaboration between Government, NHS and COSLA.

The Scottish Government has also created a change fund of £70 million to support the programme and, subject to Parliamentary approval, a total of £300 million over the next 4 years.

Later this year a consultation is planned on the next phase of the delivery plan focused on the costs and funding of care. This will follow the publication by the UK Government of its review into Funding Care and Support in England being carried out by Professor Andrew Dilnot.

The Committee would welcome an update from the Scottish Government on how the outputs from the short life working groups, the Quality Outcome Measures of the Healthcare Quality Strategy and the additional data collection areas have improved the consistency and accuracy of data collection at a national level. (Paragraph 58)

The report *Living and Dying Well: Building on Progress* was published in January 2011 and provides an update on the issues raised by the Committee, including a summary of the progress of the short life working groups. Work is proceeding with the national roll-out of the electronic Palliative Care Summary, and use of this will be incorporated in the GP Directed Enhanced Service from next year.

The Health and Sport Committee's report of 29 November, 2010 seeks a commitment from the Scottish Government that it will establish, by 31 March 2011, a suite of appropriate indicators to allow for the monitoring and reporting of progress against the action points in *Living and Dying Well.* The Living and Dying Well National Advisory Group met in December 2010 and agreed to take forward the development of a suitable reporting mechanism to measure against the actions of *Living and Dying Well.* It is expected this will be agreed at the next meeting in March 2011 and implemented shortly after to allow for regular progress reports.

The Scottish Government's *Healthcare Quality Strategy for NHSScotland,* launched in May 2010, recognises that person centred care relies on anticipatory approaches and advance care planning, based on mutually empathic dialogue between patients, families and all of the individual professionals involved. Indicators and targets aligned with the potential quality outcome measures identified in the *Healthcare Quality Strategy* are being developed. In addition, in its role of supporting continuous improvement, NHS Quality Improvement Scotland will work closely with the Scottish Government, NHS Boards, NHS Education for Scotland, the Scottish Partnership for Palliative Care and other partner organisations to provide support and advice for implementation and where appropriate, assessment, monitoring and reporting.

The Committee would therefore welcome an update from the Scottish Government on: (Paragraph 65)

- o **whether it now proposes to strengthen the monitoring of the quality of antidepressant prescribing; and**
- o **its progress towards developing an "access to psychological therapies target" for inclusion with the Health Improvement, Efficiency, Access and Treatment targets.**

The Committee highlighted the need to look at how many people are being prescribed antidepressants; at what dose level, and over what duration. It is not currently possible to monitor this information routinely. We are continuing to work with Information Services Division Scotland through their ePharmacy Programme, to use the Community Health Index to extract information about the number of patients receiving anti-depressants.

The Scottish Government wrote to the Committee on 23 December, 2010 to provide an update on several areas of interest to the Committee. That included a copy of a report of an analysis of the Primary Care Clinical Informatics Unit (PCCIU) database and described how the analysis looked at anonymised data from 1.3 million Scots registered with 237 practices and is the first UK database study of duration of antidepressant treatment to include all patients with a new course of antidepressants. Included in its findings are:

- o 2.2% of the population started a new course of antidepressants over the course of a year;

- o new courses of antidepressant prescribing account for approximately a quarter of patients on treatment at any time and only one sixth of the total antidepressant prescriptions;

- o 73% of new courses of treatment lasted more than 30 days, and treatment was continued beyond 90 days in 54% of patients; and

- o there was little evidence for irresponsible overprescribing of antidepressants or intermittent use of them by patients.

In respect to progress towards developing a target for access to psychological therapies target, Local Delivery Plan Guidance for NHS Boards published on 1 December, 2010 included the HEAT targets for 2011/12. This includes a HEAT target to deliver faster access to mental health services with an 18 weeks referral to treatment for psychological therapies from December 2014. NHS Boards will undertake service redesign to increase their capacity to deliver a range of appropriate psychological therapies, including ensuring that they have a sufficient number of trained staff to deliver psychological therapies and provide clinical supervision. In order to meet the target boards will have to develop information systems to measure waiting times and track progress.

The Committee would welcome views from the Scottish Government on how it proposes to: improve the effectiveness of monitoring the quality of services; and improve the quality of data collected nationally on outcomes and outputs. (Paragraph 68)

Scotland Performs is central to showing progress in delivering the National Outcomes. Scotland Performs is underpinned by a vast array of statistics on

outcomes and outputs and which provide important indicators of the quality of services. Examples include the Patient Experience Surveys which record the patients experiences of GP and hospital services and the Scottish Household Survey which measures satisfaction with local health services, local schools and public transport.

It is the Government's view that responsibility for monitoring the quality of services rests, in the main, with partners in Community Planning Partnerships and Local Authorities. The Scottish Government has been working with them to increase analytical capacity and improve performance information at a local level, including through the Improving Local Outcome Indicators Project. This work aims to create more consistency and improve the quality of information used to manage and report on progress towards outcomes highlighted in Single Outcome Agreements.

National Surveys (such as the Scottish Household Survey, Health Survey and Crime Survey) are major national evidence sources for outcomes. Work is in hand to improve their capability to deliver outcomes based information.

The Statistics Group within the Scottish Government has a robust process for consulting with users through ScotStat to ensure statistics are fit-for-purpose, policy relevant and meet user needs. Over the coming year planning will be structured around:-

- o identification of key priorities and cost effective delivery;
- o burden reduction; and
- o improving the support for the delivery of frontline services.

The Scottish Government supports the UK Statistics Authority's Code of Practice for Government officials which includes a requirement that official statistics are produced to a level of quality which meets user needs. In addition, the UK Statistics Authority carries out assessments of official statistics and the Scottish Government engages positively with this process and as a consequence has implemented improvements.

Looking at the health side specifically, a National Information and Intelligence Strategy for Health and Social Care for Scotland is currently being developed by the Scottish Government and NHSScotland. The Strategy will cover the next five years and will:

- o ensure that information is developed in line with agreed priorities and is fit for purpose;
- o ensure that resources are focused on national and local level priorities and are used effectively;
- o provide a strategic context against which decisions are made about allocations and prioritisation of resources to support the development of information intelligence;

o provide predictability around when new pieces of information or data will be available (both nationally and locally), while maintaining flexibility to changing priorities; and

o inform the eHealth strategy for IT systems developments.

The Information and Intelligence Strategy for Health and Care should be available by summer 2011.

The Committee would welcome an update on when the Scotland Performs website (which provides information on the progress the Scottish Government is making against the National Performance Framework) will link expenditure to priorities and outcomes. (Paragraph 69)

Scotland Performs and the National Performance Framework that underpins it aligns all of government in Scotland to focus on outcomes-based delivery. The website does not contain detailed budgetary information nor expenditure plans and there are no plans for it to do so. Budgetary and expenditure information is presented in the detailed annual budget documents submitted to Parliament for scrutiny and approval; therein the accompanying narrative explains how each budget line contributes to the Government's over-arching Purpose and National Outcomes.
Governance

The Committee invites an update from the Scottish Government on how the Board Effectiveness Project, the Developing Boards Diagnostic tool, induction courses and audit training events have improved the performance and quality of scrutiny and decision-making in NHS Boards. (Paragraph 79)

The Board Effectiveness Project, Developing Boards Diagnostic tool, induction courses and audit training events are in place to support Health Boards.

All NHS Boards have now completed their self-assessments on the Board Diagnostic tool and the results are informing the delivery of specific training and development priorities for individual Boards. The output of the tool will also inform a broader corporate approach to induction, training and development for Boards. Work is in hand with the NHS to develop tailored induction events, based on those delivered for the newly elected Health Board members in June 2010. This builds on the existing induction programme and highlights the key issues facing the NHS in a challenging financial climate. The Scottish Government is also looking to build on the governance training that is currently delivered and bring together Boards for more targeted events around staff, financial and clinical governance.

The Committee would welcome an update on the implementation of the new Infrastructure Projects Database as well as the new two-stage assessment process. The Committee also requests an update on how support of accountable officers and the Infrastructure Investment Group's operation has been further strengthened. (Paragraph 88)

As indicated to the Committee on 20 December, 2010, the Infrastructure Projects Database (IPD) has been rolled out across the Scottish Government, its agencies and Health Boards. The IPD contains detailed information on infrastructure projects with a capital value of more than £5 million for which an Outline Business Case (OBC) has been prepared. There will be an ongoing process of updating and validating the information contained with the database.

In relation to the new two-stage assessment process, since its introduction in 2009 this has been used to assess 28 projects to determine their suitability for engagement with the Gateway Review process. Of this number, 16 projects proceeded to the second stage of the process. The process is offering an added level of scrutiny and its effectiveness will be kept under review.

The December update on capital management gave details of the review of governance of the capital programme undertaken by the Infrastructure Investment Group (IIG). An Infrastructure Investment Board (IIB) has been established to perform an advisory role in infrastructure governance, working alongside individual portfolio investment boards. The Infrastructure Investment Board will provide assurance to Senior Responsible Owners and Ministers on issues such as strategic fit, business need, commercial aspects and funding considerations in relation to projects.

The Board will meet on a two monthly cycle and last met in November 2010 and January 2011.

In view of the establishment of the Infrastructure Investment Board the information and best practice sharing activities between Directors and key agencies previously performed by the IIG will be taken forward by other official level groups and the IIG has been disbanded.

Further details, including the Infrastructure Investment Board terms of reference, can be found at
http://www.scotland.gov.uk/Topics/Government/Finance/18232/IIB

The Committee would also welcome information from the Scottish Government on how it proposes to support public bodies to apply recognised project management methodologies to projects to enable them to be planned, developed, delivered and evaluated on time and cost effectively. (Paragraph 89)

A wide range of support is available to public bodies in the application of project management methodologies. Examples include the methodologies developed and made available by the Office of Government Commerce and the training and accreditation available through the Association of Project Management (APM).

The Scottish Public Finance Manual (SPFM) includes guidance on Programme and Project Management. The guidance applies to core Scottish Government, Executive Agencies, non-ministerial Departments and other organisations which are bound by the SPFM, including bodies sponsored by the Scottish Government.

The Scottish Government also maintains guidance that is sector or project type specific, for example the Construction Procurement Manual.

Public bodies, including the Scottish Government need to adopt project management methodologies in a way that is proportionate to size, cost and risk of the projects each undertakes. The publicly available methodologies and support allow each to do so in a way most appropriate to its circumstances within a framework which provides a shared understanding and a wider community of practice for project managers.

The Committee would welcome an update from the Scottish Government on how it proposes to: (Paragraph 93)

> o **improve the provision of measurable outcomes and financial forecasting prior to policy or project implementation;**

The SPFM provides guidance on the procurement, management and monitoring of major investment projects. The guidance is aimed specifically at the core Scottish Government and its Executive Agencies and the non-Ministerial Departments. However, other organisations to which the SPFM is directly applicable, including bodies sponsored by the Scottish Government, are asked to ensure compliance with any relevant provisions and follow procedures consistent with the guidance.

In addition, as outlined above, one of the key roles of the newly-established Infrastructure Investment Board is to provide strategic scrutiny of high-value major infrastructure projects at an early stage of development.

> o **Strengthen the procedures for tackling poor staff performance and increase the transparency of transfers and secondments within the public sector;**

Performance arrangements for senior civil servants are managed within a framework set by the Cabinet Office. Senior civil servants agree objectives with their manager at the start of the reporting year as part of the annual performance arrangements which includes an in year and end year review. Objectives are refreshed in 1:1 discussions with line managers throughout the year. The framework sets out procedures for identifying under-performance and the steps which should be taken to address this. Where performance does not improve formal procedures are adopted which can involve downgrading or dismissal. The performance of all senior civil servants is therefore planned, managed and assessed using a common, civil service-wide framework.

The Committee recommends that permanent posts and long term secondment opportunities should be advertised in all but the most exceptional circumstances. It is the Scottish Government's policy to consider three options for filling any individual Senior Civil Service posts: a managed move, advertisement within the civil service, or external advertisement. A range of factors is taken into account in making these decisions. At Director General level, the decisions are subject to the approval of the Senior Leadership Committee, chaired by the Head of the Civil Service. At Director and Deputy Director level, the decisions are delegated to Permanent Secretaries by the Head of the Civil Service. It is our general practice within the Scottish Government, in relation to Senior Civil Service vacancies, to consider first whether

there are any existing staff with the requisite skills. This assists in managing the administration budget within financial constraints and is in keeping with the Public Administration Select Committee report on 2 February, 2010 which concluded that the Senior Civil Service has depended too heavily on external recruitment in recent years and that steps should be taken to reduce its reliance on outside appointments.

We believe the arrangements in NHSScotland for tackling poor performance to be robust and fit for purpose as acknowledged by the Committee in paragraph 75 of the report. The position is the same in relation to secondments where the PIN Guideline is seen a model of good practice. There are no plans to further strengthen these arrangements but they will of course continue to be kept under review at the Scottish Partnership Forum and Scottish Workforce and Governance Committee.

- o **encourage robust governance by boards; and**

The Scottish Government provides detailed guidance for boards, including guidance on risk management in the Scottish Public Finance Manual, the 'On Board' guide for board members and the Audit Committee Handbook, all of which are published. The intention is to produce an updated version of the 'On Board' guidance and account will be taken of the Committee's report and recommendations in doing so.

- o **Strengthen the governance and accountability relationship between Scottish Government and public sector partners to engender a more collaborative working relationship.**

The Scottish Government attaches great importance to ensuring that close and constructive engagement takes place with all of its public sector partners. Public bodies make a substantial contribution to delivering the Government's Purpose and national outcomes. Close alignment and effective relationships are therefore essential. The Cabinet Secretary for Finance and Sustainable Growth wrote to all Chief Executives in May 2009 setting out the 'terms of engagement' between the Scottish Government and public bodies. We intend to build on the arrangements which are already in place in a number of ways including:

- o providing and promoting clear leadership and strategic direction across the public sector;

- o ensuring that regular dialogue takes place at senior level between the Scottish Government and Chairs, Chief Executives and Board members as well as day to day working level engagement; and

- o developing revised guidance on the relationship between the Scottish Government and public bodies in conjunction with public bodies themselves, which will be published later this year.

Scottish Government
February 2011

PUBLIC AUDIT COMMITTEE

6th Meeting 2011 (Session 3),

Wednesday 2 March 2011

The role of boards –responses to the Committee's report
Note by the Clerk

Background

1. On 25 January 2011, the Committee published its report entitled "The role of boards". This report followed an Auditor General for Scotland (AGS) section 23 report of the same name, which was published in September 2010.

2. Attached to this paper, as Annexes, are the responses to the Committee's report from:
   - The Accountable Officer (Annexe A);
   - The Office of the Commissioner for Public Appointments in Scotland (Annexe B); and
   - The Scottish Funding Council (Annexe C).

3. The purpose of this paper is to assist members to consider whether to take any further action in light of these responses and to invite the Committee to consider whether it wishes to receive an update on any aspect of the response as part of any "progress reports" from the Scottish Government.

4. As the next "progress report" is due in Session 4, the Committee may wish to consider including any agreed update requests in its legacy paper.

The Responses

Scottish Government
5. The Scottish Government's response is contained in Annexe A. A summary of this response is provided below:

   - The Scottish Government is engaging with both the Scottish Funding Council (SFC) and Scotland's Colleges to gain a clearer picture of where scope for an improved understanding of accountability might lie, with a view to removing any causes of doubt or concern.
   - The Scottish Government and OCPAS are working to shorten the process for all involved, for example by focusing the application form on essential criteria, seeking expressions of interest, and making use of career or life histories.
   - The Government's HR Public Appointments team is currently considering the introduction of an online recruitment system.
   - The Scottish Government has already established a working group to consider a range of issues relating to college boards of management, including whether the age limit provided in the Further and Higher Education (Scotland) Act 1992 is any longer justifiable.

- The Scottish Government provides a range of detailed guidance on risk management. The Scottish Government agrees that all public bodies should hold board meetings or parts of meetings in public where practical and appropriate to do so, and will include advice to this effect in revised guidance on the Scottish Government's relationship with public bodies which will be published later this year. The Scottish Government recognises though that the final decision on whether to hold meetings in public should be a matter for boards themselves.

Office of the Commissioner for Public Appointments in Scotland (OCPAS)

6. The Commissioner for Public Appointments in Scotland confirms that the number of applications per round increased significantly from 19 in 2008/09 to 51 in 2009/10.

7. In relation to the Committee's concerns regarding the length of application forms, the Commissioner explains that the number and complexity of criteria for the roles being filled (which correlates to the length of the application form) are matters for the Scottish Ministers. In this regard the Commissioner has provided guidance in March 2009 on the options for reducing the number of criteria tested in application forms but was quite explicit that an application form was not a requirement for all public appointments.

8. A revised Code of Practice is due to be published in April. The Parliament's consultation response to the Commissioner's revised Code of Practice was agreed by the Parliament on 27 October 2010.

The Scottish Funding Council

9. The Scottish Funding Council confirm that it will publish all post occupancy evaluation (POE) reviews, which are undertaken as a condition of its capital grant, on its website. Web publication is anticipated by 31 March 2011. A report on the outcomes achieved through capital investment in the FE sector including a summary of college POEs undertaken, and the issues identified, will be published shortly.

Progress Reports

10. At its meeting on 25 June 2008, the Committee agreed to request progress reports from the Scottish Government on key recommendations arising from all its reports twice per session (in Session 3 those dates were May 2008 and September 2010). The Committee also agreed that, on receipt of responses to its reports, the Committee would identify which recommendations, if any, it wished to see included in such progress reports.

11. Given the next Scottish Government progress report will be due in Session 4, the Committee may wish to consider and agree any issues it wishes to include in its legacy paper.

RECOMMENDATIONS

12. It is recommended that members:

A: Consider the attached responses from the Scottish Government, OCPAS and the Scottish Funding Council and indicate whether they wish to take any further action. Options:

- Note the responses; or
- Request any further written evidence.

B: Consider and agree any issues to be included in the Committee legacy paper so that the Session 4 Public Audit Committee can consider whether to request an update on those issues in the next Scottish Government progress report.

Annexe A: The Scottish Government's response

PUBLIC AUDIT COMMITTEE 2ND REPORT, 2011 (SESSION 3): THE ROLE OF BOARDS

I attach the Scottish Government's response to the Committee's report on the role of boards, which was published on 25 January.

It might be helpful if I say something in more general terms about the way in which the Scottish Government is addressing some of the key issues identified in Audit Scotland's original report on the role of boards, which was published on 30 September 2010.

Audit Scotland acknowledged that the Scottish Government had made progress with its public sector reform agenda but noted that the landscape remains complex; that the make up of boards and their role had evolved over time; and that there could be confusion about leadership and lines of accountability unless the separate roles of Chief Executives and boards were well defined and understood.

A good deal of progress has been made to simplify the public bodies landscape in Scotland. The number of public bodies has been reduced from a baseline of 199 in October 2007 to 152, and on present plans will be reduced further to around 115 by the end of 2011. The ongoing simplification programme will deliver estimated net savings of around £125m by 2013 and net recurring annual savings of around £39m thereafter, as well as improving service delivery and reducing costs and bureaucracy.

Public bodies make a substantial contribution to delivering the Government's Purpose and national outcomes. Collectively, they employ a large number of staff and account for a substantial proportion of the Scottish Government's budget. Constructive and proactive engagement between the Scottish Government and public bodies, and close alignment, is therefore essential. To ensure that there is no confusion about any aspects of governance and accountability, we are revising and updating guidance on the relationships between the Scottish Government and public bodies and the 'On Board' guidance for board members. We are involving public bodies, including Chairs and non-executive board members, and will publish the revised guidance later this year. In addition, we are focussed on providing and promoting clear leadership and strategic direction across the public sector; and ensuring that regular dialogue takes place at senior level between the Scottish Government and Chairs, Chief Executives and Board members, as well as day to day working level engagement.

The public appointments process has also been significantly improved and streamlined. The Scottish Government's Human Resources Public Appointments team has worked closely with the Commissioner for Public Appointments to ensure that the process and application method chosen for each appointment round is appropriate, proportionate and focussed on the applicant. A free-phone number was introduced in January 2009 for members of the general public who want to know more about public appointments and a dedicated Public Appointments website was also launched in 2009: www.appointed-for-scotland.org.

I am pleased to say that in 2009-10 there was a 243% increase over the previous year in the number of applications made to public bodies regulated by the Commissioner for Public Appointments. We will continue to look for ways of improving the public appointments process: for example, we are considering introducing an online recruitment system, which should reduce both recruitment costs and the time it takes to make appointments to boards.

Yours sincerely

PETER HOUSDEN

PUBLIC AUDIT COMMITTEE 2ND REPORT 2011: THE ROLE OF BOARDS SCOTTISH GOVERNMENT RESPONSE

Accountability of boards

The Committee requested further information from the Scottish Government on how it will support the Scottish Funding Council and Scotland's colleges to clarify the lines of accountability (paragraph 16)

1.   The Scottish Government notes the Committee's view that lines of accountability need to be clarified. The Scottish Government is engaging with both the Scottish Funding Council (SFC) and the organisation 'Scotland's Colleges' to gain a clearer picture of where scope for improved understanding might lie, with a view to removing any causes of doubt or concern.

The Committee would also welcome confirmation from the Scottish Funding Council of whether (and if so, by when) it would propose to make post-capital-project review reports publicly available to all Scottish colleges (paragraph 17)
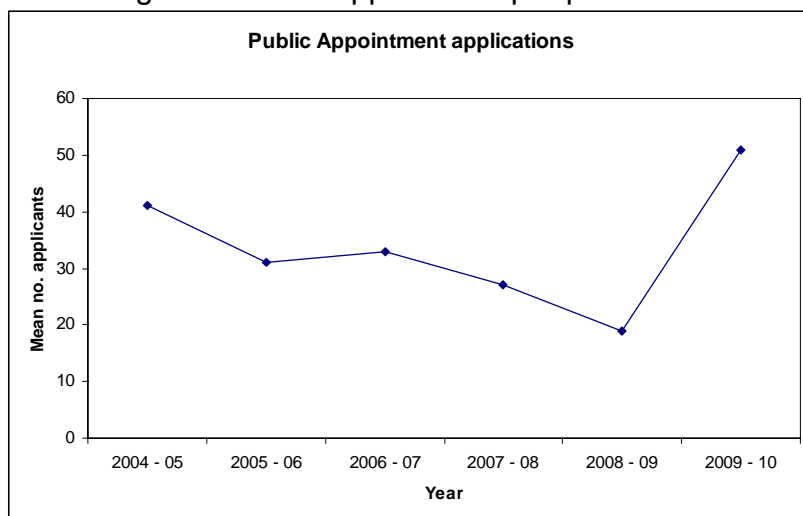
2.   The Scottish Funding Council (SFC) will publish all post occupancy evaluation (POE) reviews, which are undertaken as a condition of its capital grant, on its website. SFC is currently in discussion with institutions about this and anticipates web publication by 31 March 2011. SFC will also shortly publish a report on the outcomes achieved through capital investment in the FE sector in March 2011. A summary of college POEs undertaken, and the issues identified, will be included in that report.

The appointments process for board members

The Committee is concerned that the number of applications for board membership is falling and recommends that the Scottish Government investigate this and take action to reverse this trend (paragraph 28)

3.   The total number of applications for appointments regulated by the Commissioner for Public Appointments, and the average number of applications per post, both increased substantially in 2009-10, reversing the downward trend in recent years which was identified in Audit Scotland's report (see graph below). In 2009-10,

the number of applications increased from 668 to 2294 compared to 2008-09; and the average number of applications per post increased from 19 to 51.

Public Appointment applications

Mean no. applicants vs *Year*

Year	Mean no. applicants
2004 - 05	41
2005 - 06	31
2006 - 07	33
2007 - 08	27
2008 - 09	19
2009 - 10	51

4.   Some posts attract a far higher number of applications than others: for example, the Parole Board, national parks and work involving vulnerable young adults and children. The Scottish Government continues to promote the work of each public body through the choice of advertising and publicity recommended by the selection panel (including the Commissioner's Assessor) at the early planning meeting. This recommendation is then subject to approval by the relevant Minister.

The Committee would also welcome further information from the Scottish Government and the Commissioner for Public Appointments on any steps it is taking (including any IT based innovations) to improve the application process especially in relation to the length of the actual application form (paragraph 29)

5.   As with all public appointments, each vacancy is looked at on its own merits. The selection panel recommend the best way to attract applicants. The Scottish Government's HR Public Appointments team and the Office of the Commissioner for Public Appointments (OCPAS) are working collaboratively on this and are actively working with selection panels and sponsor directorates to ensure that the process and application method chosen is appropriate, proportionate and applicant focussed. The Scottish Government and OCPAS are working to shorten the process for all involved, for example by focusing the application form on essential criteria, seeking expressions of interest, and making use of career or life histories.

6.   The Government's HR Public Appointments team is currently considering the introduction of an online recruitment system. If approved this will reduce recruitment costs and should reduce the amount of time it takes to make appointments to boards. Key advantages of an online system from an applicant point of view are:

- After setting up an account the applicant can work on the application over a number of days if they wish and once completed can track their application;

- Applicants will continue to have access to their previous applications;

- Applicants can select their own interview dates and times, once notified of their progress through the appointment round;

- Vacancies can be accessed 24 hours a day 7 days a week;

- A wider pool of applicants can be reached.

The Committee recommends that the Scottish Government takes urgent action to identify and remove any unjustifiable age barriers to board membership, and in particular the age barriers contained within Schedule 2 of the Further and Higher Education (Scotland) Act 1992 (paragraph 31)

7.   The Scottish Government has already established a working group to consider a range of issues relating to college boards of management, including whether the age limit provided in the Further and Higher Education (Scotland) Act 1992 is any longer justifiable. The working group comprises Scottish Government officials, representatives of Scotland's colleges, the STUC, NUS Scotland and the Scottish Funding Council. Ministers will take a decision on the age limit, together with other matters, when they have received the working group's report and recommendations.

Board operations

The Committee would welcome further information from the Scottish Government on how it is supporting boards to better focus on risk management (as well as organisations' performance and financial information) (paragraph 40)

8.   Detailed guidance on risk management is provided in the "Scottish Public Finance Manual", "On Board: A Guide for Board Members of Public Bodies in Scotland" and the "Audit Committee Handbook", all of which are published by the Scottish Government. All guidance is reviewed regularly and where there is scope for clarifying roles and responsibilities with regard to risk management the opportunity will be taken to do so.

The Committee believes that the presumption of boards should be to meet in public and therefore recommends that the Scottish Government should review and update its guidance to boards to stress the importance of board meetings being held in public (paragraph 49)

9.   The Government agrees that public bodies should hold board meetings, or parts of meetings, in public where it is practical and appropriate to do so. All NHS Board meetings already take place in public. We will include advice to this effect in revised guidance on the Scottish Government's relationship with public bodies which will be published later this year. The Government recognises that it may not always be practical to hold meetings in public – for example, where the board needs space to discuss policy matters in private, or the cost of holding meetings in public would be prohibitive – and therefore considers that the final decision should be a matter for boards themselves.

Scottish Government
February 2011

Annexe B: The Office of the Commissioner for Public Appointments in Scotland response

WRITTEN EVIDENCE FROM KAREN CARLTON, COMMISSIOENR FOR PUBLIC APPOINTMENTS IN SCOTLAND TO HUGH HENRY MSP, CONVENER TO THE PUBLIC AUDIT COMMITTEE, 1 FEBRUARY 2011

Thank you for the invitation to respond to the Committee's 2nd report of 2011 entitled *"the role of boards"*. My response to the report and to the specific issues that I have been asked to comment on (paragraph 29 of the report) is set out below.

Background

I first met with representatives from Audit Scotland in March of 2009 to discuss that body's plans for a role of boards review. A member of my team accepted an invitation to join the project advisory group for the review and provided advice in that capacity to Audit Scotland from July 2009 onwards.

I and my office also passed on statistical information about public appointments during the period of the review. We obtain this information from the Scottish Government on an annual basis for the purposes of my own annual reports.

The intended reporting date for Audit Scotland's findings was moved forward from April 2010 to September 2010. There was therefore some delay between the period during which evidence was gathered and the final date of the report.

The Public Audit Committee's findings, as set out in the report that I have been asked to comment on, are based on:

- the content of the Audit Scotland report and on
- the basis of oral evidence given to the committee on the public appointments process by the Auditor General for Scotland and other stakeholders.

The oral evidence was provided to the Committee in October and November of 2010.

I was not invited to provide evidence to the Committee during its consideration of the Audit Scotland report.

I laid my annual report with the Scottish Parliament on 17 December 2010. Page 23 of that report details the significant increase in the number of applications received over the 2009/10 reporting period. For ease of reference, the table showing that increase is reproduced here along with some relevant narrative:

"Average number of applications received

	Applications received	*Average Applications per round*
04/05	*1703*	*41*
05/06	*1675*	*31*
06/07	*1326*	*33*

07/08	1235	27
08/09	668	19
09/10	2294	51

In 2009-10, applications to the Parole Board for Scotland attracted 828 applications. Excluding this round, the average for the year still increases from 19 to 37 applications per round."

I sent individual emails to each member of the Public Audit Committee on 17 December providing a link to the annual report.

I comment on these facts to demonstrate that the conclusions the Committee has drawn and asked me to respond to are based on evidence that is now out of date.

The more up to date figures provided above will be helpful to the Committee in considering any response from the Scottish Government about the overall number of applications received for public appointments and about progress it is making in respect of applicant numbers.

Paragraph 29 of the report – the public appointments process

It may be helpful to the Committee if I clarify my own responsibilities and the responsibilities of the Scottish Ministers in respect of the public appointments process.

The Public Appointments and Public Bodies etc. (Scotland) Act 2003 (the 2003 Act) established my regulatory role and remit. My role, in broad terms, is to publish a code of practice for the making of public appointments and to oversee the Scottish Ministers' appointment activity to ensure their adherence to that code. The code is principles-based. It also sets out basic practices to be followed to ensure that appointments are made fairly and openly on the basis of merit. The code is also clear, as have I been since my appointment, that the practices in the code do not necessarily suit all circumstances and that they may therefore be tailored, once I have agreed to this by way of an exception.

The public appointments process is not something that I dictate for the Scottish Ministers to follow. The process belongs to the Scottish Ministers and it is administered for and run by officials on their behalf. Fundamentally, my only requirement is that whatever appointment process is chosen it must comply with the code's underlying principles to ensure that the requirements of the 2003 Act, for fairness and openness, are met. There has been historical reticence on the part of officials to stray from tried and tested processes. Such processes have delivered appointments but not necessarily opened up opportunities for appointment to traditionally underrepresented groups.

By way of example I note that in giving oral evidence to the Committee, witnesses made reference to the lengthy application forms that must be completed by applicants. This is an issue that the Committee has asked for specific comment on.

For those unfamiliar with the appointments process, it may be worth making clear that the length of an application form can be directly correlated to the number and complexity of the criteria for the role being filled. The number and complexity of those criteria are a matter for the Scottish Ministers alone although the code does require consultation with the chair of the body in establishing what those should be.

If a Minister decides that there should be, for example, ten essential criteria for the position to be filled then an application form based process would normally require applicants to demonstrate that they met those criteria.

A common misunderstanding is that many ministerial appointments are for "lay" members and that the qualifying criteria for board membership are, in the main, relatively straightforward. However, and as the Committee noted in its report:

"Boards are crucial to ensuring the good corporate governance of public bodies and it is essential to attract board members who between them exhibit a broad range of skills and experiences".

Identifying what a board needs in order to maintain that corporate mix of skills and knowledge can be challenging. Traditionally, officials have sought to secure, on each and every occasion that an open competition is run, individuals who have almost all of the skills and knowledge required of the board overall rather than seeking to fill specific gaps. It is this reticence to focus on specific gaps that has led to the predominance of long lists of qualifying criteria and the concomitant lengthy application forms. This has also led to the success of the same people who are appointed to a number of board positions in Scotland or to the "revolving door", as I have heard it termed, of people leaving one board position only in order to take up another shortly after. If the qualifying criteria for a role are expressed in a way that requires the equivalent of current board membership, it is to be expected that existing or ex-board members will tend to be more successful than those without equivalent experience.

During my time as Commissioner I have seen evidence to suggest that officials were attributing strict adherence to the tried and tested processes, which can be off-putting and exclusive, to the requirements of my code.

Because of this I took the decision to produce guidance that set out a range of options for application and that was quite explicit that an application form was not a requirement for public appointments. That guidance, issued in March 2009, was also explicit that, where application forms were used, they did not have to test each and every one of the criteria that the Minister felt to be essential for the role.

The guidance, which was issued to every directorate within the Scottish Government, may be downloaded from my website:

http://www.publicappointments.org/publications/publication/82/alternative-application-methods-guidance

Take up of alternative application options was initially relatively limited although that picture is changing. I decided that a revised code of practice is necessary to make it clear that the selection panels that identify suitable candidates for the Scottish

Ministers should use whichever process was appropriate to attract and identify the most able people.

As indicated above, ownership of the appointments process rests with the Scottish Ministers and they must adapt that process in order to make it more accessible. The revised code, which is due to be published in April, and the guidance I issued on alternative application methods, drew heavily on the findings of the research I undertook prior to producing *Diversity Delivers*, the first equality and diversity strategy for Scotland's ministerial public appointments process:

http://www.publicappointments.org/delivering-diversity/overview/

Some recommendations in the strategy have been implemented by the Scottish Government and others have not. Applicant numbers appear to be rising and this may be related to the alternative application methods and shorter application forms being used following the introduction of my guidance. More research has to be done by the Scottish Government in order to generate management information and to create a strong evidence-base for decisions made about public appointments in future. This is an explicit requirement of the new code.

Every recommendation in the strategy has a purpose and, for those that have been implemented, I believe that we are starting to see progress being made.

One that has not been implemented yet is the production of a competency framework for board members. I believe that the production of such a framework should assist in reducing the tendency to seek board members by way of unnecessarily lengthy and restrictive criteria.

I intend to report shortly to the Equal Opportunities Committee providing it with an update on the implementation of the recommendations set out in *Diversity Delivers*. I believe that ongoing parliamentary scrutiny of the Scottish Minister's progress in this respect will be valuable.

Given the foregoing I would welcome an early opportunity to brief the Public Audit Committee during the fourth session of the Scottish Parliament on the work of my office. Equally, I am happy to discuss my work with the Committee at any time.

Annexe C: The Scottish Funding Council's response

Thank you for the opportunity to comment on the Public Audit Committee's 2nd Report: The Role of Boards, specifically regarding information relating to post-capital-project review reports (paragraph 17):

"The Committee would also welcome confirmation from the Scottish Funding Council of whether (and if so, by when) it would propose to make post-capital-project review reports publicly available to all Scottish Colleges."

As has already been indicated in the Scottish Government's response, the Council will publish all post occupancy evaluation (POE) reviews, which are undertaken as a condition of its capital grant, on its website. We are currently in discussion with institutions about this and anticipate web publication by 31 March 2011. We will also shortly publish a report on the outcomes achieved through capital investment in the FE sector. A summary of college POEs undertaken, and the issues identified, will be published in that report.

Please let me know if the Committee requires any further information at this stage.

MTS Batho
Chief Executive

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Hugh Henry MSP
Convenor
Public Audit Committee
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22 February 2011

Dear Convenor

AUDITOR GENERAL FOR SCOTLAND REPORT – IMPROVING ENERGY EFFICIENCY: A FOLLOW-UP REPORT

You wrote to me on 25th January requesting further information on some specific queries the Audit Committee had in relation to your consideration of the above report. I attach a note setting out our response.

Yours sincerely

MIKE NEILSON

(C.C. Paul Gray, DG Governance and Communities and Alyson Stafford, DG Finance.)

AUDITOR GENERAL FOR SCOTLAND REPORT – IMPROVING ENERGY EFFICIENCY: A FOLLOW-UP REPORT – Further information request of 25 January

The Committee were informed by Audit Scotland that although the legislation governing EPCs originated from Europe in 2002, it was the Scottish Government who decided in 2008 how this legislation was to be transposed.

- **The Committee would be grateful for an explanation of why the Scottish Government did not also include a requirement to provide information on actual energy used by a building in EPCs.**

Response

Background
In terms of the EU Directive on the Energy Performance of Buildings (EPBD) introduced in 2003, EPCs are required for all properties which are sold or rented out and to be displayed in large public buildings (over 1,000m^2 in floor area) which are also accessible to the public.

An asset rating is a calculated rating based on standard weather data and building use. It is similar in principle to "typical use" consumption figures for cars and is useful when comparing two buildings with different users, i.e. provides like-for-like figures.

An operational rating is based on measured energy use. It takes account of how the building is used and managed and is useful for energy managers of the building because it includes factors they control.

Implementation

Negotiations on the EPBD commenced around the time that the review of the Scottish building standards system was being carried out (1999-2002). In view of this, the majority of the EPBD was implemented through the Building (Scotland) Act 2003. With responsibility for compliance resting with building owners, the Act lends itself to the use of an asset rating in terms of EPCs rather than a measured or operational rating.

The EPBD required either an asset rating or an operational rating. In Scotland, an asset rating is used for EPCs when a building is constructed, sold or rented out and for large public buildings. In England and Wales, there is an asset rating required for buildings on construction, sale and rental, but for large public buildings an operational rating is required. Solely using asset ratings for energy performance certificates creates a level playing field for both the business and the public sectors – i.e. no-one has an easier or a more difficult time. In Scotland the methodology that creates the asset rating follows Annex A to Article 3 of the Directive. Adopting a single rating system enables all non-domestic buildings with EPCs to be compared. This was borne out by the consultation on EPBD implementation undertaken in 2006, when less than 5% of consultees suggested that operational ratings were an appropriate way forward.

A key advantage of the asset rating is that it targets those who can make investment in the buildings by funding measures such as, improved insulation, efficient boilers and lighting, together with other energy efficient building services. Operational ratings tend to target the

energy managers in an organisation, to deliver the best that they can from the existing building, without necessarily any further investment for improvements.

The Committee notes that the EU revised the legislation in 2010 and that the Scottish Government will consult on proposed changes to the EPC system in 2011.

- **The Committee would be grateful if you could confirm whether the Scottish Government would intend to include actual energy use in a building in any revised EPC system.**

There is no intention to introduce operational ratings through the EPBD, since that Directive requires either operational or asset ratings, but not both. However, the Scottish Government is not averse to operational ratings – indeed the Sullivan Report recommended that Ministers seek additional primary legislation to further develop ratings. The consultation paper on the possible introduction of assessments of carbon and energy performance for non-domestic buildings through the Climate Change (Scotland) Act 2009, was undertaken in June 2008. Support was broadly received that operational ratings should play a part in such assessments. Recommendations are being taken forward under Section 63 of the Climate Change (Scotland) Act 2009, rather than through the recast of the EPBD. Regulations relating to these sections of the Bill are currently in development, with consultation anticipated later this year.

- **The Committee would be grateful for an explanation as to why central government appears to have reduced its spending on energy despite not reducing energy use.**

Response:

One of the main reasons for reduction in fuel costs is as a result of the tariffs and change in unit energy prices. Please see details of such below:

The average costs for 2007/08 inclusive of all levies and VAT are;
Electricity   9.50 pence per kilowatt
Gas   3.05 pence per kilowatt
Oil   62.3 pence per litre (5.33 pence per kilowatt)

The average costs for 2008/09 inclusive of all levies and VAT are;
Electricity   13.8 pence per kilowatt
Gas   2.91 pence per kilowatt
Oil   58.0 pence per litre (4.96 pence per kilowatt)

- **The Committee would appreciate further information on how the costs of securing energy from renewable sources compare to the costs of procuring energy from the general marketplace.**

Response

National Contract

The National contract was successful in securing the majority (66%) of electricity from renewable sources at no additional premium. The remainder of the renewable electricity

available to the National Contract is charged a premium in the range of 0.1-0.15 p/kwhr. Premiums as large as 0.236 p/kwhr were being sought from some suppliers at the time of tendering the National Contract

- **The Committee would also welcome information the Scottish Government may hold on how the private sector's energy efficiency performance compares to that of the public sector.**

Response

The information requested is not currently available. However, developments in relation to the Carbon Reduction Commitment (CRC) and the associated database would over time allow such aggregated comparisons to be made. The CRC Energy Efficiency Scheme is a mandatory scheme to improve energy efficiency and therefore cut CO_2 emissions in large public and private sector organisations. These organisations are responsible for around 10% of the UK's CO_2 emissions. This database remains in development and will take a number of years to provide comprehensive coverage.

The Scottish Parliament
Pàrlamaid na h-Alba

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25 January 2011

Dear Mr Neilson,

AUDITOR GENERAL FOR SCOTLAND REPORT – IMPROVING ENERGY EFFICIENCY: A FOLLOW-UP REPORT

The Public Audit Committee received a briefing from Audit Scotland on the Auditor General for Scotland (AGS) report entitled *Improving energy efficiency: A follow-up report* at its meeting on 12 January 2010. The Official Report of that meeting can be accessed at the following link:
http://www.scottish.parliament.uk/s3/committees/publicAudit/meetings.htm

The Auditor General for Scotland's report can be accessed at the following link:
http://www.audit-scotland.gov.uk/docs/central/2010/nr_101209_energy_efficiency_followup.pdf

Following consideration of this report, the Committee agreed to seek further information on the following. I have also copied this letter to Paul Gray and Alyson Stafford as there is a cross-over in responsibilities.

Energy performance certificates
The AGS reported that from January 2009, all large public buildings in Scotland should display an Energy Performance Certificate (EPC) which categorises how energy efficient a building is by estimating how much CO_2 that building releases. He further reported that these ratings are based on an assessment of the performance of the fabric of the building and do not take into account actual energy use. This contrasts with the certificates used in England and Wales which are based on the actual amount of energy used by a building in a year.

The Committee were informed by Audit Scotland that although the legislation governing EPCs originated from Europe in 2002, it was the Scottish Government who decided in 2008 how this legislation was to be transposed.

- The Committee would be grateful for an explanation of why the Scottish Government did not also include a requirement to provide information on actual energy used by a building in EPCs.

The Committee notes that the EU revised the legislation in 2010 and that the Scottish Government will consult on proposed changes to the EPC system in 2011.

- The Committee would be grateful if you could confirm whether the Scottish Government would intend to include actual energy use in a building in any revised EPC system.

Energy use and spend
The AGS reported that between the period of 2006/07 and 2008/09 there was little change in the public sector's energy use, but spending increased by 21 per cent. Exhibit 2 of the AGS' report showed that between 2007/08 and 2008/09, whilst spending on energy increased in the NHS and councils, central Government spending decreased. .

- The Committee would be grateful for an explanation as to why central government appears to have reduced its spending on energy despite not reducing energy use.

National contract
The AGS reported that since October 2009, Procurement Scotland has been responsible for securing a national contract for electricity in Scotland and this electricity is generated from renewable sources (mostly wind power). He added that at the time of the audit, it was too soon to tell what impact this national approach has had on costs.

- The Committee would appreciate further information on how the costs of securing energy from renewable sources compare to the costs of procuring energy from the general marketplace.

Private sector monitoring
The Committee would also welcome information the Scottish Government may hold on how the private sector's energy efficiency performance compares to that of the public sector.

I would be grateful for a response to this request by 16 February 2011. Should this deadline cause you any difficulties or you require any further information please do not hesitate to contact either the Assistant Clerk, Jason Nairn on 0131 348 5236 or by email at pa.committee@scottish.parliament.uk.

Yours sincerely

Hugh Henry MSP
Convener

(C.C. Paul Gray, DG Governance and Communities and Alyson Stafford, DG Finance.)

The Rt Hon Chris Huhne MP
Secretary of State

Department of Energy & Climate Change
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www.decc.gov.uk

Hugh Henry MSP
Pa.committee@scottish.parliament.uk

Our ref: PO2011/01742/MV

February 2011

Thank you for your letter dated 25 January, about the Auditor General for Scotland (AGS) report, *Improving energy efficiency: A follow-up report* and the references to changes to the CRC Energy Efficiency Scheme (CRC) announced as part of the UK Government's spending review in October 2010.

When reviewing options as part of the 2010 spending review, the Coalition Government took the difficult decision not to proceed with CRC revenue recycling in order to support the public finances, including spending on the environment. My officials had also received feedback from participants that with revenue recycling there were significant uncertainties over the amount an organisation could expect to receive by way of recycling payment, that this 'muddied' the price of carbon and made the net costs/benefits of energy efficiency measures more difficult to determine. Removing revenue recycling provides increased budget certainty and creates a clearer environment for investing in energy efficiency in order to reduce energy bills and to reduce participants' liabilities under the CRC scheme.

We also know that, today, there remains significant scope for implementing cost effective energy efficiencies in the sector which is subject to the CRC scheme. Recent research from the Carbon Trust shows that UK businesses can save £1.6bn by implementing cost effective energy efficiency measures, which have on average an internal rate of return of 48% and payback within three years.

CHRIS HUHNE

Public Audit Committee
Convener: Hugh Henry MSP

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25 February 2011

Dear Mr Huhne

AUDITOR GENERAL FOR SCOTLAND REPORT – IMPROVING ENERGY EFFICIENCY: A FOLLOW-UP REPORT

The Public Audit Committee received a briefing from Audit Scotland on the Auditor General for Scotland (AGS) report entitled *Improving energy efficiency: A follow-up report* at its meeting on 12 January 2010. The Official Report of that meeting can be accessed at the following link:
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The Auditor General for Scotland's report can be accessed at the following link:
http://www.audit-scotland.gov.uk/docs/central/2010/nr_101209_energy_efficiency_followup.pdf

Following the briefing, the Committee agreed to write to you about an issue that was raised during discussion.

CRC Energy efficiency scheme
The AGS reported that when the CRC Energy Efficiency scheme was created, the money raised through the sale of allowances for every tonne of CO_2 used was to be redistributed amongst CRC participants. Therefore participants who performed well would receive more money back than those that performed badly. He further reported that, following the UK Government's spending review in October 2010, the money raised from the CRC scheme would now go to HM Treasury and would not be used as an incentive to reward top performing participants in the scheme.

The Committee would be grateful if you could provide further information on why the UK Government has decided to retain the revenue raised through the sale of allowances rather than redistribute it through the scheme. The Committee would welcome your views on how this decision will affect the motivation of participating bodies to reduce their emissions.

I would be grateful for a response to this request by 16 February 2011. Should this deadline cause you any difficulties or you require any further information please do not hesitate to contact either the Assistant Clerk, Jason Nairn on 0131 348 5236 or by email at pa.committee@scottish.parliament.uk.

Yours sincerely

Hugh Henry MSP
Convener

Permanent Secretary
Sir Peter Housden KCB

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SCOTTISH GOVERNMENT PROGRESS **REPORT – SEPTEMBER 2010**

Thank you for your letter of 23 August. As requested please find attached the progress reports which you specifically asked for.

- Police call management (published January 2009) – *progress report attached at **Annex A**;*

- Review of palliative care services in Scotland (published January 2009) – *progress report attached at **Annex B**;*

- Major capital projects (published February 2009) – *progress report attached at **Annex C**;*

- The 2007-08 Audit of VisitScotland (published May 2009) – *attached at **Annex D**)*; and

- The First ScotRail passenger rail franchise (published June 2009) – *progress report attached at **Annex E**.*

Should you require any further information please do not hesitate to contact my Private Secretary, Katie Wood at the telephone number and email address as outlined above.

Police call management

RESPONSE TIMES TO ATTEND INCIDENTS

Members agreed to ask for an update on:

- *Progress with the development of a non-emergency response times indicator within the Scottish Policing Performance Framework. (Paras 17 and 18 of the committee report refer)*

Due to the differing Command & Control systems currently used by forces across Scotland and the lack of a standardised call grading approach, it has proved very difficult to develop a nationally comparable performance indicator which could be used to meaningfully measure response times to non-emergency calls.

A national call grading standard has now been developed by ACPOS and this will be rolled out in tandem with the roll out of STORM MA (the new national Command and Control ICT system). STORM MA and the new call grading standard will go live in the first force (Lothian and Borders) in November 2010 and the last force (Northern) in January 2012. It should therefore be possible to include a national non-emergency response times indicator in the Scottish Policing Performance Framework for 2012/13.

THE USE OF 999 AND NON-EMERGENCY NUMBERS

Members agreed to ask for an update on:

- *Progress the 999 Issues in Scotland Group has made in exploring how working in partnership could improve the service to the public. (para 35)*

The 999 Issues in Scotland Group was established in 2008 and comprises representatives from ACPOS, the Chief Fire Officers Association Scotland, the Scottish Ambulance Service (SAS), the Maritime & Coastguard Agency, Cable & Wireless, BT, and Global Crossing. Since establishment, the Group has met regularly as a forum to discuss and resolve issues relating to the 999 system in Scotland and to develop a shared voice representing Scotland's interests within Whitehall structures. This approach has resulted in a number of positive improvements to the Scottish 999 system through its emphasis on partnership working. These include:

• The Group has influenced reforms to the Public Emergency Call System Code of Practice to improve efficiency of call management. Previous arrangements meant that calls for multiple agencies were handled sequentially, protracting calls and delaying callers from delivering any possible immediate assistance. New arrangements place the emphasis on the first responder to triage calls on behalf of other concerned agencies and to relay relevant information to partner agencies.

• The Group has supported sharing of practices to encourage greater co-ordination amongst responders. For example, through the Group, SAS and ACPOS agreed a protocol to enable comprehensive information gathering regarding casualties. This has since been adopted by forces and is used as the basis for information gathering and relay to SAS.

• The Group has reviewed the buddy arrangements in Scotland to provide fallback support in the event of high call volumes, and identified buddies for all relevant organisations in Scotland. Clear protocols for responders and service providers (BT, Cable & Wireless and Global Crossing) have been developed and implemented for the use of these arrangements, and these are operating successfully.

The Group continues to meet regularly and in autumn 2010 it will conduct a review of its remit and work programme for the coming year.

Members agreed to ask for an update on:

·   Progress forces are making in adopting local non-emergency numbers and whether they are achieving the aims of improving access to non-emergency numbers and reducing the cost to callers. (paras 51-53)

Since the termination of the Single Non-Emergency Number project, forces continue to take different approaches to the development of local non-emergency numbers on the basis of force geography, contingency plans, marketing and re-branding costs, feedback from service users and the force's own assessment of what constitutes best value.

Central: there have been no significant changes since 2009. The force continues to use a main number of 01786 456000 as well as local numbers for the Falkirk area, Callander etc.

Dumfries and Galloway: the force continues to use an 0845 number. They are continuing to maximise media and marketing opportunities to build awareness of this number. BT have confirmed that the average cost of a daytime call to this number from a BT landline is only 5p and an evening call 1.25p, although mobile charges will be higher.

Fife: in July 2010 the force completed a best value review of the Force Contact Centre. That review recognised the continuing misuse of the emergency 999 system and recommended a local marketing campaign to promote the use of the existing single non-emergency number (0845 600 5702.) The review has also recommended resolving more issues at first point of contact through closer links with partners, in particular Fife Council Contact Centre.

Grampian: there have been no significant changes since 2009. The force continues to use a single non-emergency number (0845 600 5700).

Lothian and Borders: the force is undertaking an end to end review of call demand and the processes involved in response to gain a better insight into the nature of the calls for service. Like Central, the force has one main non-emergency number (0131 311 3131) with an additional option outside Edinburgh of dialling local numbers at a local rate. Some consideration is being given to a move to an 0300 number.

Northern: local numbers are available as well as a force-wide non-emergency number (0845 600 5703.) Call handling is currently being considered as part of a shared services best value project.

Strathclyde: the force currently has a range of local non-emergency numbers which get directed to the force communications centre. Consideration is being given to the adoption of a single non-emergency number in the near future.

Tayside: Tayside replaced their 0845 number with an 0300 force-wide single non-emergency number in 2009, this reduced the costs to callers to a local call (irrespective of the carrier). The force is presently working with respective local authorities to scope the potential for the force to take local authority out of hours calls, this is anticipated to present future opportunities to integrate the use of the 0300 number with other non-emergency services locally.

- ***Progress on work with ACPOS on the development of minimum standards for call handling. (para 64)***

Through the Scottish Call Centre Managers Group, forces have agreed a set of shared targets and measures for call handling. These include:

Emergency Calls: 90% of all 999 calls from the public to be answered within 10 seconds.

Non-emergency Calls: 90% of all non-emergency calls from the public to a switchboard to be answered within 30 seconds.

In addition all forces have adopted a national "Soft Skills Customer Centred Approach" which standardises the training and delivery of customer service soft skills.

ACPOS have also given some consideration to the development of national quality of service standards as part of wider consideration of national service standards, but have currently agreed that forces should continue to develop their own service standards locally.

ACCOUNTABILITY AND GOVERNANCE

Members agreed to ask for an update on:

- ***Progress with the implementation of the recommendations on governance and accountability contained in the HMCICS review of Policing in Scotland which was published in January 2009. (paras 93 and 94)***

The Committee will recall that the Scottish Government welcomed the issues raised by the Independent Review of Policing in January 2009 and following consultation with policing partners, established a Scottish Policing Board in November 2009. For the first time, the Board brings together the tripartite partners – Scottish Government, Chief Constables and Conveners – with COSLA to consider national strategic policing issues. HMICS also attends the Board and provides advice. A link to the Foundation Document which sets out the role and remit and expected outcomes the Board will achieve, alongside detail on membership and frequency of meetings, is below:

http://www.scotland.gov.uk/Topics/Justice/public-safety/Police/ScotPolBoard/SPBFoundationDoc

Five meetings of the Board have now taken place, and the minutes and papers are published 2-3 weeks after each meeting. The Board has provided a necessary forum for consideration of a range of strategic national policing issues with key stakeholders. ACPOS has provided the Board with reports on, amongst other things, Scottish strategic priorities for policing, the Scottish Policing Performance Framework and the work going on within ACPOS and individual forces to identify efficiencies.

Update to the Review of Palliative Care Services in Scotland

Since the publication of *Living and Dying Well a national action plan for palliative and end of life care in Scotland* in October 2008 considerable progress has been made in implementing the actions and in undertaking the further development and collaborative work required to achieve the full range of *Living and Dying Well* aims. Less than two years on, there is widespread evidence that the cohesive national approach is well on the way to ensuring the provision of consistent and equitable palliative and end of life care for all people and their families across Scotland who need it.

The progress to date has been characterised by the sustained engagement of those concerned at every level of operation and the widespread progress has been achieved due to significant commitment across a range of stakeholders. This has been backed up by robust systems of governance and leadership provided by the National Clinical Leads, and Executive Leads within NHS Boards.

The Scottish Government will publish a follow up document to *Living and Dying Well*, titled *Living and Dying Well: building on progress*. It is anticipated this will be published later this year. This document will recognise the scale of the achievement to date, provide further actions and outline future developments that will support the continued improvement of palliative and end of life care across Scotland as well as identify priority areas. Progress to date includes:

- ongoing development of governance and leadership to support improvement

- ongoing national roll out of the electronic palliative care summary (ePCS)

- the publication of the NHSScotland Do Not Attempt Cardiopulmonary Resuscitation (DNACPR) policy

- the completion of *Living and Dying Well* working group reports

- the commitment and support of organisations including NHS Quality Improvement Scotland, NHS Education Scotland and the Scottish Partnership for Palliative Care

- strong links across national strategies and policies including the Healthcare Quality Strategy

- completion of the review of commissioning arrangements for specialist palliative care

Additional information requested by the Committee is provided below in **Annex B1.**

Update on the Review of Palliative Care Services in Scotland   **ANNEX B1**

1   NHS Board implementation of *Living and Dying Well* has been characterised by the ongoing and enthusiastic involvement of those concerned at every level of operation, and the high level of progress achieved has been due in no small measure to this widespread sense of engagement and commitment. NHS Board palliative and end of life care Executive Leads have established appropriate infrastructures and communication mechanisms with their clinical communities, and many have adopted an integrated approach to the implementation of *Living and Dying Well* and related national policy areas, such as Long Term Conditions,

Better Together and the *Scottish Patient Safety Programme.* NHS Board Executive Leads, IT Leads and Resuscitation Leads have also contributed through their engagement with and support of National Clinical Leads in the development of the electronic palliative care summary (ePCS) and the *National Do Not Attempt Cardiopulmonary Resuscitation (DNACPR) Integrated Adult Policy* as well as to the overall implementation of *Living and Dying Well.*

2   Each NHS Board has also identified a palliative and end of life care education champion to liaise with NHS Education for Scotland (NES) and to facilitate the spreading and sharing of good practice. Facilitators to support and cascade the implementation of advance/anticipatory planning have also been identified. NES provides support and resources for these education champions and facilitators, thus enhancing the local delivery of education and training related to *Living and Dying Well* within NHS Boards.

3   All NHS Boards were asked to submit *Living and Dying Well* delivery plans against the actions required in March 2009 and to review progress in October 2009. In addition, the National Clinical Lead for Palliative and End of Life care visited all of the NHS Boards in late 2009 and early 2010. These reviews demonstrate that substantial progress has been achieved across Scotland against all of the relevant actions in *Living and Dying Well.* Many of the developments and recommendations outlined in *Living and Dying Well: Building on Progress* will contribute to the continuing efforts of NHS Boards in this regard.

The Roll Out of the Electronic Palliative Care Summary (ePCS)

4   The electronic Palliative Care Summary (ePCS), rolled out Board-wide in NHS Lothian in September 2009 following a series of successful pilots using different GP systems in NHS Lothian, NHS Grampian and NHS Ayrshire and Arran. It is now subject to national rollout on a Board by Board basis. The ePCS improves communication between patients, carers and professionals at all stages of the patient journey by allowing data to be sent automatically and on a daily basis from GP systems to Out of Hours (OOH) services. In particular it allows practices to:

- replace the fax form used to send patient information to Out of Hours services

- clearly see essential information on patients with palliative care needs

- view or print lists of patients on the practice Palliative Care Register

- set review dates to ensure regular review of patients.

5   The ePCS provides the opportunity to develop Advance /Anticipatory Care Plans which may include:

- medical diagnoses as agreed between GP and patient

- patient and carer understanding of diagnosis and prognosis

- patient wishes on preferred place of care and DNACPR

- information on medication and equipment left in the patient's home 'just in case'.

6   Development of the ePCS and its practical implementation has been supported by the Scottish Government's National eHealth Clinical Lead and the Palliative Care eHealth Advisory Group, as well as by NHS Board IT Leads.

7   To date, 10 of the 14 territorial Boards have began to use ePCS. In total, across Scotland 218 practices are now using the ePCS. We are supporting NHS Boards through the, sometimes complex, practical technical implications of local roll out through which we expect a considerable increase in the uptake and usage of ePCS over the coming months.

Progress Towards Developing NHS QIS Palliative Care Standards
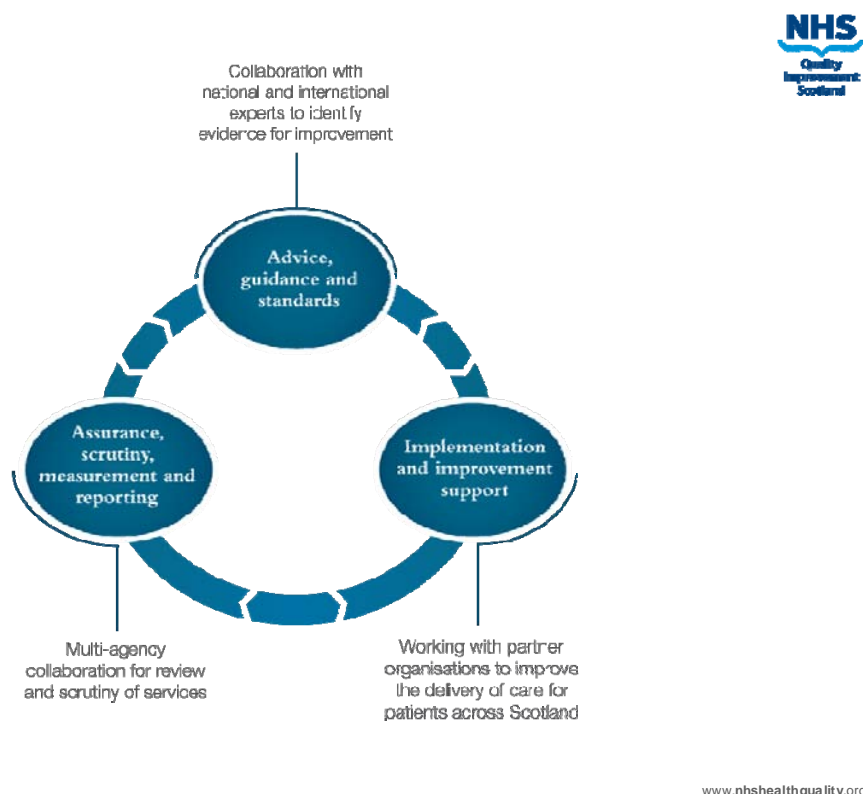
8   The Scottish Government is committed to an integrated approach to its key policies and strategies. The recently launched *Healthcare Quality Strategy for NHSScotland* provides the opportunity to bring together all aspects of patient care in a new quality improvement model (see below) which will ensure a unified approach to ensuring the best quality care for every patient every time at every stage of their lives.

9   NHS Quality Improvement Scotland (NHS QIS) has agreed that palliative and end of life care, and the continuing implementation of *Living and Dying Well* and *Living and Dying Well: Building on Progress* should be included as one of the integrated work programmes through which it will support implementation of the *Healthcare Quality Strategy*.

10   The NHS QIS approach is based on an integrated cycle of improvement (Figure 1) incorporating:

- advice and guidance

- implementation and improvement support

- assessment, monitoring and reporting.

Figure 1

11   In its role of supporting continuous quality improvement within palliative and end of life care, NHS QIS will work closely with the Scottish Government, with NHS territorial Boards, Special Health Boards such as NHS Education for Scotland, the Scottish Partnership for Palliative Care and other partner organisations to promote integration and alignment of national initiatives and programmes of work. It will liaise closely with NHS Boards regarding further priority areas of activity and will ensure that any future developments are taken forward in partnership with SPPC and NES through the *Living and Dying Well* National Advisory Group. The strengths of NHS QIS (quality improvement), NES (education and workforce development) and SPPC (sharing of expertise within the palliative care community) will collectively maintain the development of palliative and end of life care which will bring together best practice and support improvement in a continuous cycle.

The implementation of the Directed Enhanced Service for Palliative Care

12   The Scottish Government introduced the Palliative Care Directed Enhanced Service (DES) in Scotland in November 2008 as part of its cohesive and integrated approach to meeting the palliative and end of life care needs of patients and families on the basis of clinical need rather than diagnosis or prognosis, and to address the need for effective communication at times of transfer and transition of care.

13   Continued funding has been agreed for the year(s) 2010-2012, and reporting systems were reviewed between April and June 2010 by representatives of the GP community across Scotland to take account of feedback received. Alignment with the ePCS has also been assured. Revised guidance will be issued shortly to reflect developments arising from the implementation of *Living and Dying Well* and to support practices in:

- ensuring that they identify appropriate patients for the palliative care register

- sharing assessed needs through anticipatory care plans with patients, those close to them and with health professionals who provide care both on hours and out of hours – especially when needs change

- determining a patient's preferred place of end of life care and seeking to meet this wish where possible

- taking a systematic approach to end of life care.

14   Initial analysis of uptake to the DES for the year 2009/10 indicates that 56% of practices across Scotland are participating.

The Work of the Palliative Care ehealth Advisory Group on Collating National Data

15   A number of the key development areas outlined in the Scottish Government response to the Committee in January 2009 are now being implemented or will be published within the *Living and Dying Well: Building on Progress* document. The finalisation of this work will provide NHS Boards and the supporting organisations with a firm foundation to further support improvement of palliative and end of life care.

16   Whilst it is important that national data is collected, through the examples provided, a wider, more encompassing approach to improvement will be developed, (paragraphs 8-11) and through the development of the Quality Outcome Measures of the Healthcare Quality Strategy (paragraph 20).

17   There are a number of areas where national data is currently being collected and used to improve planning of care for patients with palliative and end of life care, including:
- Scottish Morbidity Register (SMR)

- Quality and Outcome Framework data (QOF)

- General Registrar Office for Scotland (GROS) reports

- Scottish Patients at Risk of Readmission and Admission (SPARRA)

 Single Shared Assessments and Indicators of relative Need (IoRN).

18   Since the publication of *Living and Dying Well* in October 2008 additional data is now available to NHS Boards, for example:

- data relating to the uptake of the Directed Enhanced Service for Palliative Care; and

- the ongoing roll out of the electronic palliative care summary.

19   In addition, the completion of many of the *Living and Dying Well* short life working group recommendations will provide future priorities to the development of improvement methodologies that will, for example, provide a national approach to identification, assessment and planning of palliative and end of life care needs.(See paragraphs 22-38).

20   As previously mentioned a key driver for improvement across Scotland will be the implementation of the Healthcare Quality Strategy. A quality measure is currently being developed, that will contribute to the improvement in palliative and end of life care across

Scotland. The indicator proposes evidence that will represent the wishes and choices for patients and their carers and should also demonstrate the effectiveness of having a planned approach to end of life care – in essence the aims of *Living and Dying Well*. Whilst we are still developing the methodology for this measure the data sources for information could include GROS data, Information Services Division (ISD) data that can link hospital admissions with death data.

21   The focus of the data collection is on existing sources as other data collection could have significant resource implications.

Progress made by the Living and Dying Well Working Groups

22   One of the key actions arising from *Living and Dying Well* was the establishment of a series of short life working groups (SLWGs) to undertake collaborative and development work and make recommendations to the National Advisory Group on a number of areas identified as requiring further detailed consideration.

23   Six SLWGs (numbers 2-7 below) were formed, drawing their membership from across relevant areas of health and social care and beyond. Their progress may be summarised as follows and will be reflected within *Living and Dying Well: Building on Progress*:

Development of Standards for Palliative and End of Life Care in Scotland

24   The establishment of this group (SLWG 1) was deferred pending the outcomes of some of the other working groups, and will now be subsumed within the plans for continuous quality improvement outlined in the section above (paragraphs 8-11).

Development of palliative and end of life guidelines and referral criteria to specialist palliative care

25   National palliative and end of life care guidelines were considered by SLWG (2), which recognised that the relative absence of good quality evidence in this area made it difficult to create national guidelines using a process such as the Scottish Intercollegiate Guidelines Network (SIGN). Instead, the group mapped the availability of existing palliative and end of life care guidelines within NHS Boards and found that while several Board areas had developed and maintained their own set of guidelines, the availability of such guidance across Scotland was variable. The group decided that rather than set up and maintain a process for agreeing national guidance, there should be an agreed list of topics for which NHS Boards should provide guidelines. In consultation with NHS Boards, SLWG (2) has therefore developed a list of 30 core topics for which guidelines should be available in all NHS Board areas. NHS Boards will be asked through *Living and Dying Well: Building on Progress* to ensure that the core topic areas are available throughout the Board, and where gaps exist NHS Lothian have agreed to share their extensive guideline resource. In addition through the improvement cycle, outlined above, NHS QIS will work with NHS Boards and the SPPC to agree a national guideline and a mechanism for reviewing and updating its content.

26   SLWG (2) also developed a set of criteria that NHS Boards should review their referral to specialist palliative care against. The referral criteria has been set up to reflect that referrals should be made on the basis of need rather than diagnosis, in situations where generalist practitioners require specialist advice on the patient's complex needs.

Development of Recommendations for Assessment Tools and Advance Care Plans

27   *Living and Dying Well* recognised that the key to providing appropriate palliative and end of life care is first of all to identify those likely to benefit from it, and then to initiate a cyclical process of assessment and review to determine the ongoing palliative care needs of patients and their families. This may be at any time from the point of diagnosis, at the point of actual or anticipated deterioration, or on presentation of difficult or complex symptoms. In each of these cases, the consistent use of appropriate assessment tools is essential. To ensure a coherent national approach to this issue, SLWG (3) has established a number of recommendations regarding:

- assessment tools for early identification of patients who may need palliative care

- assessment tools to identify patients with increasing palliative care needs

- assessment tools for symptoms

28   In their exploration of each of these areas, the group undertook extensive literature reviews and consultation with NHS Boards. Their final report presents detailed recommendations on particular tools and their use and will be reflected in *Living and Dying Well: Building on Progress.*

29   In addition this group examined the concept of advance care planning.   Working with the Long Term Conditions Collaborative on guidance and recommendations on the development and sharing of anticipatory care plans.

30   The group's final report distinguishes between the philosophy of advance care planning and the process / practicality of completion of an anticipatory care plan. The group concludes in its final report that the philosophy of advance care planning needs to be accepted as an overall concept, covering an umbrella of terms and processes, and including anticipatory care planning for patients with long term conditions. This aim is echoed in the *Healthcare Quality Strategy* and in the key Quality Ambition of mutually beneficial partnerships between patients and families and those delivering services which respect individual needs and values and demonstrate compassion, continuity, clear communication and shared decision-making.

Development of Recommendations on Palliative and End of Life Information to Patients and Carers

31   If patients and carers are to become full partners in decision-making and the planning of care, it is essential that appropriate, timely and easily accessible information is available to them. SLWG (4) was therefore set up as a National Palliative Care Patient and Carer Information Project. Following a successful bid by NHS Forth Valley for Scottish Government *Living and Dying Well* funding, a project manager was appointed from July 2009 to September 2010 to take the work forward. Core and reference groups were established with key representation from Scottish Government, NHS and national voluntary organisations, and project phases and objectives were agreed as follows:

- obtaining patient, carer and healthcare professional's perspectives in terms of types of information required

- scoping of existing information resources and similar projects

- design and pilot of patient and carer information

- final production, launch and public awareness-raising

- exit strategy

32   Considerable progress has now been made, and following feedback on pilot materials the project will go live in the Autumn of 2010. An integrated approach to patient and carer information has been assured through the links established with a number of key organisations and initiatives and the list of topics to be included in the final resource has been agreed. It is established that the final outcome will be a web-based resource, hosted by NHS Inform. The content will be reviewed and updated as appropriate by the Scottish Partnership for Palliative Care, in consultation with key stakeholders.

Development of Recommendations on the Delivery of Palliative and End of Life Care in Acute Settings.

33   The Scottish Government aims to provide consistently high quality palliative
and end of life care to everyone in Scotland who needs it in every care setting. The particular significance of hospital care during the last 5 years of life has been noted previously. Part of that implementation was the setting up of SLWG (5) to develop recommendations on the delivery of palliative and end of life care in acute care settings.

34   Following extensive consultation, this group has made a series of recommendations, including that a Hospital Palliative Care Service, supported by an appropriate management and clinical governance framework, should be developed and implemented in all acute hospitals. This service will:

- support hospital staff to deliver palliative care

- provide a specialist palliative care service for those with complex needs

- provide advice, guidance and standards for palliative care in acute hospitals should be developed and implemented in conjunction with NHS QIS.

35   The group's recommendations will be reflected in *Living and Dying Well: Building on Progress* and should be implemented through the NHS Boards reviewed and updated Delivery Plans.

Development of Recommendations on Appropriate Service Configurations to meet needs of Adolescents and Young Adults with Palliative and End of Life Care Needs

36   *Living and Dying Well* aims to ensure a cohesive and consistent approach to palliative and end of life care based on clinical need regardless of diagnosis or of age. SLWG (6) developed recommendations to address the needs of adolescents and young adults in the following areas:

- examining and making recommendations on the service configurations necessary to meet the palliative care needs of adolescents and young adults

- ensuring continuity as young people move into adult services, including adult palliative care services

- providing guidance to improve the quality care at the end of life to this same group of individuals.

37   The group has noted in its final report that effective provision of care for this age group demands adaptation and preparation from professionals working in both children's and adult services, and that integration with other Scottish Government national policies such as *Delivering a Healthy Future* and *Getting it Right for Every Child* will facilitate and enhance such collaboration. The group's recommendations will be reflected in *Living and Dying Well: Building on Progress* and should be implemented through NHS Boards' reviewed and updated Delivery Plans.

Exploration of Ideas and Issues Addressing Palliative and End of Life Care from a Public Health and Health Promotion Perspective

38   *Living and Dying Well* recognised that the provision of palliative and end of life care is influenced by the social and cultural context in which it takes place. It also noted that cultural resistance in modern western societies to acknowledging the reality of death and dying as inevitable and integral parts of life, and reluctance to discuss these, can contribute to poor communication and planning of end of life care. SLWG (7) was therefore established to explore public attitudes to care, loss, dying, death and bereavement and to consider what approaches might be taken in this area to underpin improvements in palliative and end of life care.

39   Many people are denied the opportunity they may wish for to discuss and plan for their death and dying. There is limited general understanding of the long term effects of bereavement and loss, together with a lack of opportunity to share common experiences. The group believes that there are potential benefits to be derived from a more open approach to these issues – for society, its public services and communities, and for individuals. SLWG (7) developed its vision of a Scottish society in which:

- people are able to talk about death and deal with related issues in a constructive way

- children grow up treating dying as an inevitable part of ordinary life

- people are comfortable using words such as "death", "dead", and "dying" and are able to make choices relating to their own dying and death

- health and social care professionals and volunteers in all care settings feel able to have discussions relating to death, dying and bereavement with patients and families, and with colleagues

- communities of all kinds are empowered to provide effective support to those dealing with death, dying, bereavement and loss

40   SLWG (7) explored the potential of public health and health promoting approaches to these issues and consulted widely on its vision and on suggested approaches to bringing it about. The group's final report notes the *Healthcare Quality Strategy* ambition to improve person-centredness by delivering care based on mutually empathic relationships between staff, patients, carers and families. It points out that for such developments to occur in the context of palliative and end of life care, and for appropriate advance/anticipatory care

planning and effective person-centred care and support to be in place for everyone, there needs to be a culture of open discussion about death, dying and bereavement. Staff must be comfortable addressing 'difficult' issues and patients must feel comfortable in expressing choices and feelings in the context of such discussions.

41   The report makes ten recommendations towards achieving these aims, including the recommendation that a broad-based coalition be established to lead and co-ordinate further work in this area, and tasked in particular with raising public awareness and promoting community involvement in the issues of death, dying and bereavement across central and local government and appropriate agencies and organisations in all sectors of Scotland's multi-cultural and multi-faith society. The Scottish Partnership for Palliative Care will be setting up the coalition to take forward this work.

Recommendations Arising from the Auditor General for Scotland and the Public Audit Committee Reports / Scottish Government's Response (January 2009) Commissioning Arrangements

42   Historically, specialist palliative care services have in some areas been provided through independent adult hospices partly funded by their NHS Boards. Scottish Executive HDL (2003) 18 set out a commitment to build a partnership between NHS Boards and adult voluntary hospices that would ensure 50% funding of agreed annual running costs. However, the Audit Scotland 2008 *Review of Palliative Care Services* noted a lack of consistency in these arrangements, and recommended that Boards put in place commissioning and monitoring arrangements which would ensure that value for money was achieved. In examining the Audit Scotland report, the Public Audit Committee of the Scottish Parliament recommended robust commissioning arrangements in the delivery of palliative care services to ensure value for money, and also recommended that the Scottish Government should supplement existing guidance on what should be included in NHS Board funding allocations to voluntary sector bodies.

43   The Scottish Government accepted these recommendations and a short life working group was established with representation from the Scottish Hospices Forum and the six NHS Boards with voluntary hospices in their areas. This group, chaired by one of the co-chairs of the *Living and Dying Well* National Advisory Group, adopted a collaborative approach and has explored approaches, within the context of today's challenging financial environment and increasing expertise in quality assurance issues, to building a viable and enduring partnership and commissioning framework between NHS Boards and voluntary hospices in Scotland. The group has now submitted its final report and recommendations, *A Partnership for Better Palliative and End of Life Care: Creating a New Relationship between Independent Adult Hospices and NHS Boards in Scotland* to the Scottish Government. The report will shortly be circulated (through NHS Board Chief Executives and Hospices) for comment prior to the development of revised guidance.

Do Not Attempt Cardiopulmonary Resuscitation

44   The NHSScotland Do Not Attempt Cardiopulmonary Resuscitation (DNACPR) Integrated Adult Policy was launched in May 2010 and should be implemented in all NHS Board areas by 1 October 2010. This has become a crucial part of addressing the increasing movement of patients and staff between different care settings across Scotland. The policy has been developed as part of the implementation of *Living and Dying Well* following both the recommendations regarding consistent DNAR policy in the 2008 Audit Scotland *Review of Palliative Care Services* and in the *End of Life Care Plan* published jointly by the Scottish Ambulance Service and the Scottish Partnership for Palliative Care in

the same year, and the subsequent emphasis by the Public Audit Committee on the need for a single consistent Scotland-wide policy. The term DNACPR is used in favour of DNAR to clarify the emphasis of the policy and reflect current evidence.

45   The development of this national policy has been led by the Scottish Government's National eHealth Clinical Lead, with additional clinical expertise from NHS Lothian, and brought to fruition through the extensive involvement of NHS Board Resuscitation Leads and a DNACPR Steering Group established for the purpose. The policy, based on the integrated DNAR policy of NHS Lothian, reflects the current evidence base and UK best practice guidance on decisions relating to CPR such as the 2007 revised *Joint Statement* produced by the British Medical Association, Royal College of Nursing and Resuscitation Council (UK) and the General Medical Council's 2010 guidance *Treatment and Care Towards the End of Life: Good Practice in Decision Making.* It aims to support patients in achieving personal goals for their end of life care in any care setting, but its use does not preclude other active interventions or care. It does not apply to children, for whom a separate and more tailored policy is currently being developed and will be launched in the Autumn of 2010. Implementation of the DNACPR Integrated Adult Policy has been supported by NES through the production of a training resource DVD for healthcare professionals and the provision of training the trainer sessions across Scotland.

Additional Areas of Development

46   In addition to the work carried out by the short life working groups outlined above, key developments have been undertaken in the areas of relevance to the implementation of *Living and Dying Well.* These include the standards of palliative care in care homes, the provision of palliative care for children and young people and bereavement care.

Care Homes

47   Care homes in Scotland are playing an increasingly important role in the provision of palliative and end of life care. Considerable progress has been made in recent years to raise standards of care, in particular through *Making good care better: National practice statements for general palliative care in adult care homes in Scotland*, published by the Scottish Partnership for Palliative Care and the then Scottish Executive in May 2006 and used as an inspection focus by the Care Commission between March 2007 and March 2008. The Care Commission's subsequent report, *Better Care Every Step of the Way*, highlights both the good practice achieved and what has still to be done to achieve a uniformly high standard of palliative and end of life care in care homes throughout Scotland. The report makes a series of recommendations for bringing this about.

48   *Living and Dying Well* also highlighted the increasing importance of care homes in meeting the palliative and end of life care needs of older people and tasked the National Clinical Lead for Palliative and End of Life Care with initiating discussions leading to liaison between the Scottish Government and the Care Commission regarding appropriate quality mechanisms in this area. A meeting of stakeholders, led by Scottish Care, the umbrella body of the independent care sector in Scotland, took place in October 2009 leading to the establishment of a new national Palliative Care in Care Homes Steering Group. This group includes representation from the NHS, care home providers in the private and public sectors, NHS Education for Scotland, COSLA, the Care Commission and the Scottish Partnership for Palliative Care.

49   In a significant linking of cross-sector policy initiatives, this Steering Group will support the implementation of the recommendations in *Better Care Every Step of the Way,* work

which will inform the potential review of the National Care Standards proposed in *Living and Dying Well*. A national stakeholder conference for care home providers on sharing good practice will take place in the autumn of 2010. To further support a cohesive approach to the provision of palliative and end of life care in care homes, the Palliative Care in Care Homes Steering Group will in future be represented on the *Living and Dying Well* National Advisory Group. To address the need for consistent and accessible opportunities for education and training in care homes, NHS Education for Scotland has made its training materials available to all care home staff.

Children and Young People

50   *Living and Dying Well* Short Life Working Group (6), in making recommendations for meeting the palliative and end of life care needs of adolescents and young people, noted that many of its recommendations were also applicable to children. A Scottish Children's and Young People's Palliative Care Executive (SCYPPEx) has now been formed to address the specific palliative care needs of children and young people. This group brings together formal and informal networks concerned with the palliative care of children and young people across Scotland in a single unified voice to provide:

- clinical leadership to influence and develop the delivery of palliative care services to children and young people with all types of long term and life limiting illness and their families across Scotland and

- strategic leadership to influence the wider health, social care and education policy agendas to achieve the best outcomes for children and young people with palliative care needs and their families in Scotland.

51   SCYPPEx has suggested extending the recommendations of SLWG (6) to embrace the needs of children and young people, and has a number of suggestions regarding the implementation of *Living and Dying Well* as it applies to the specific palliative and end of life care needs of children and young people and their families. SCYPPEx is represented on the *Living and Dying Well* National Advisory Group, and is involved in the development of a national resuscitation planning policy for children and young adults.

Bereavement

52   The Audit Scotland *Review of Palliative Care Services* in August 2008 noted the inconsistency of bereavement support across Scotland. *Living and Dying Well* Short Life Working Group (7) also recognised the importance of bereavement care when it included within its remit and examination of attitudes to death and dying the issues of bereavement and loss.

53   In a speech in September 2008, the Minister for Public Health and Sport referred to the long overdue introduction of bereavement guidance in Scotland. That guidance is now in draft form and available for consultation in the discussion document *Shaping Bereavement Care A Framework for Action for Bereavement Care in NHSScotland .* This document builds on work commissioned in 2005 by the then Scottish Executive, NHS QIS and NES and carried out by Robert Gordon University, and is the culmination of an extensive process of debate and collaboration across professions and sectors. *Shaping Bereavement Care* is addressed to NHS Boards in Scotland to guide them in the development of good quality bereavement care. Its key messages include the following:

- there is a need to recognise that good care of the dying, the person who has died and of relatives and carers at the time of death leads to better outcomes in grief for those who are bereaved

- quality bereavement care starts, where possible, before death and certainly at the time of death

- quality bereavement care, at least in the period around death, is the responsibility of the health services

- all healthcare staff require education and training in grief and loss at a level appropriate to their degree of involvement with the bereaved

- health boards have a responsibility for the care and support of staff working with the dying and bereaved

- the delivery of quality bereavement care within health boards requires to be coordinated

- healthcare services should work in partnership with other stakeholders in the planning and delivery of care for the bereaved

54   *Shaping Bereavement Care* contains recommendations for NHS Boards, as well as for NHS QIS and NES and advocates a co-ordinated approach both within NHS Boards and nationally. In support of this, it is hoped to establish a national networking hub for those working in the field of grief and bereavement. *Shaping Bereavement Care* also seeks to interface with *Living and Dying Well* and supports the need highlighted by SLWG (7) for greater public acceptance of death and dying as part of the ordinary cycle of life and of bereavement as a normal human experience.

Major Capital Projects

Members agreed to ask for an update on:

- **progress with work by the Infrastructure Investment Group (IIG) to review estimated and outturn costs and determine what action needs to be taken to improve early costings and time estimates.**

As I highlighted to the Committee in my June update, we are continuing to make progress on developing robust monitoring and reporting systems and procedures which will not only strengthen project cost and time estimation but provide more effective assurance around the management of major capital projects. The central element of this work is the development of the Infrastructure Projects Database (IPD), which we are continuing to roll out across the Scottish Government and its agencies.

The IPD will include detailed information on infrastructure projects with a capital value of at least £5 million and for which an Outline Business Case has been prepared. The IPD will therefore be a valuable tool to inform capital planning and the programming and delivery of major infrastructure projects for the Scottish Government.

IIG members will have a role in the scrutiny and monitoring of the projects contained in the IPD, helping to increase accountability for costs and any variances.

Over the course of the summer, the IIG has scrutinised the governance of delegated capital budgets in major areas of portfolio spend. In Health, the revised approach will see a reduced amount of capital distributed directly to Health Boards. Board delegated spending limits have also been reduced to help strengthen governance. In future, all new projects with a capital value exceeding Health Boards' delegated spend will be subject to a bid process for specific project funding. In Education, the IIG has reviewed the Schools for the Future Programme, looking at cost assumptions used, the role of standardisation and the key measures that have been put in place to ensure that the programme is delivered on budget.

Members agreed to ask for an update on:

- **The Scottish Government's review of the criteria for deciding when a gateway review is needed, including the financial trigger for such reviews and the application to projects which are initially assessed as lower risk but which later exhibit problems.**

There has been no change in relation to the criteria from the position noted in our letter of 28 June 2010. We are introducing a new two-stage assessment process which will allow various factors (not just financial triggers) to be taken into account when considering whether a project should be supported with Gateway Review. Our new approach to assessment will be implemented as the new IPD is populated with project information. As part of the assessment process Project Owners will be encouraged to keep the complexity of their projects under review and should circumstances change they should reassess their project to determine whether support from Gateway Review, or some other form of Project Healthcheck, is appropriate.

- **The Scottish Government's review of the gateway criteria, including an estimate of how far the proportion of projects receiving reviews may increase as a result of revising the criteria.**

The Gateway Review tool is used to support management and delivery of both revenue and capital funded programmes. Specifically in relation to infrastructure projects, we will study the projects on the Infrastructure Projects Database to ensure that where appropriate they are subject to Gateway Review. I will be pleased to inform the Committee in a future update of the results of this analysis and any further steps that we intend to take.

- **The Infrastructure Investment Group's consideration of whether and how arrangements in support of Accountable Officers could be further strengthened and whether and how interaction between arms length bodies and the Scottish Government's core functions could be improved.**

Overall the delivery of the SG capital programme has a significant degree of delegation. Major areas of portfolio spend – Transport Scotland, NHS Scotland, Scottish Funding Council, Scottish Prison Service and Scottish Enterprise – have dedicated finance functions and robust governance arrangements in place to ensure effective management of their infrastructure projects and programmes.

As I informed the Committee in June, work is underway to review the role of the Infrastructure Investment Group (IIG), which comprises Accountable Officers in the key areas of portfolio spend, in the wider context of the governance and management of the Government's infrastructure programme. We are examining further ways to strengthen IIG's operation in a number of areas, including in relation to strategic direction and prioritisation of investment. I shall be pleased to give the Committee details of the conclusions of this work in my next update in December.

Members agreed to ask for an update on:
The IIG's work on improving the compliance rate with the Scottish Public finance Manual with regard to post-project evaluation

IIG members remain committed to ensuring greater compliance with Post Project Evaluation (PPE). The Scottish Government is working with a diverse range of partners with responsibility for major capital and / or mission critical projects, including Scottish Government Health Directorate, the Scottish Futures Trust and the Scottish Funding Council to inform, develop and validate its generic PPE programme. The new Infrastructure Projects Database will help the Scottish Government monitor compliance with post project evaluation.

Members agreed to ask for an update on:

- **The commitment by the Principal Accountable Officer to examine whether, and in what form, regular updates on the progress of major capital projects can be published.**

In December 2009 Sir John Elvidge committed to report to the Committee every six months on the Scottish Government's progress in delivering its major capital projects. I confirmed in a letter to the Committee on 28 June that I intend to continue with this reporting cycle. The next progress report on major capital projects will be provided to the Committee in December.

- **Whether the Scottish Futures Trust is achieving its aim to increase the efficiency of the procurement process and assist the spread of best practice in this area.**

Scottish Futures Trust (SFT) announced on 1 September 2010 that it has delivered £111m of net benefits and savings to infrastructure investment in Scotland during the 2009-2010 financial year, SFT's first full year of operation. The £111m of benefits significantly exceeds the commitment in SFT's 2009-14 Corporate Plan to deliver an initial £7 of benefits for every £1 spent on the organisation and is within the range of £100-150m per annum of benefits originally anticipated when SFT is fully operational. The net benefits and savings are made up of £86m of Efficiency Gains, £27m of Additional Investment and £1m of Avoided Costs, and also take account of the £3m operating costs of SFT during 2009-2010.

The benefits statement has been independently externally validated by Grant Thornton LLP as well as a team of academics from the London School of Economics and Political Science (LSE). SFT works in partnership with many groups right across the public sector. The £111m of net benefits is the amount attributable to SFT alone and represents just over 50% of the £227m in total benefit to infrastructure investment in Scotland achieved from SFT's work with partner organisations during 2009-2010. In particular, the Efficiency Gains benefit includes savings realised through working with partner organisations to improve the full procurement process from needs identification, through design and specification to contract negotiation and contract monitoring.

The hub programme provides an example of this best practice, where SFT is leading the collaborative procurement of partners to deliver community infrastructure across 5 territories encompassing all Health Boards and Local Authorities in Scotland. Quantifiable savings and benefits will come through reduced procurement time, continuous improvement of capital costs over time, savings in private sector bid costs passed on to public authorities, and reduced rates of return to private investors delivered through robust negotiation

The 2007-08 Audit of VisitScotland

FUTURE OPERATION OF VISITSCOTLAND.COM

1.   The Scottish Parliament Public Audit Committee published a report on the 2007/08 Audit of VisitScotland in May 2009. This progress report provides an update to the development of the visitscotland.com website since that time.

2.   In particular, the Committee asked for progress reports on recommendations in paragraphs 36 and 37 of the May 2009 report (as set out below).

 Recommendations contained in the Committee's report:

VisitScotland should seek the views of private sector providers to ensure that accurate knowledge of the market feeds into the future business model for eTourism Limited. (para 36)

The Committee believes that VisitScotland should develop a robust business plan for the future operation of the VisitScotland.com website. The plan should set out clearly the objectives, financial forecasts and how progress will be monitored. The plan should be made available to this Committee and to the Economy, Energy and Tourism Committee. (para 37)

Points arising from VisitScotland's response:

Paragraphs 36 and 37 of the report suggest that VisitScotland should seek the views of private sector providers and develop a robust business plan for the future. We absolutely agree and are doing just that. We have already involved tourism businesses and have conducted consumer research to help it develop our business plan and strategy for VisitScotland.com.

Members agreed to seek more detailed information on VisitScotland.com's business plan and how it has been informed by consumer research.

3.   Since May 2009, VisitScotland has continued to develop the visitscotland.com website, but has also taken steps to fully integrate the site into its revised digital and media strategy.

Consultation Process

4.   VisitScotland has carried out extensive research, both on business views and on consumer trends, in order to develop its strategy for VisitScotland.com. In order to establish consumer trends and preferences, the team at VisitScotland.com has conducted research on, for example, best practice navigation, best practice site content and best practice mapping.

This research has been conducted through the use of analytics which allow us to analyse what consumers are searching for, how they use the site, at which point they leave the site and how best to retain them. In addition to the analysis of consumer usage of the site, VisitScotland has also conducted research on social media and social networking. Consumer focus group research has not yet been carried out. As the site develops, usability and accessibility testing will be conducted on new developments.

5.　　Consultation with businesses has also been extensive. In line with the Committee's recommendations, VisitScotland has consulted with local authorities, a range of Destination Management Organisations and a number of commercial organisations, including, for example, 5pm.co.uk. VisitScotland has also established an industry forum which represents a broad spectrum of the tourism industry, from accommodation providers, both large and small, to visitor attractions and transport operators. In addition, the industry forum also has representatives from web / online agencies. Annex D1 shows the membership of the industry forum.

6.　　Feedback from the consumer trends research and from the business research and consultation has been fed into the development of the strategy for VisitScotland.com. Annex D2 shows examples of positive feedback comments received from members of the forum.

Strategy Development

7.　　Prompted by both financial and strategic considerations, VisitScotland negotiated a settlement with the other shareholders of eTourism Ltd and acquired the company in December 2008. Following this acquisition, an extensive requirements gathering exercise for the scope of the new and improved VisitScotland.com website was carried out. A key finding from this process and from the consultation process outlined above was the requirement to integrate the website delivery and associated commercial functions with the VisitScotland marketing strategy.

8.　　As a result, VisitScotland appointed a Director from the private sector to lead a newly-formed Directorate which would be responsible for VisitScotland's overarching digital and media strategy, of which VisitScotland.com is a major part. This new Director took up post in February 2010. The newly formed Directorate has been charged, under the direction of the VisitScotland Board, to deliver a digital and media strategy for the whole organisation, integrating this fully with VisitScotland's marketing activity.

9.　　Since the establishment of this new Directorate, further requirement gathering and analysis of the existing sites has been conducted. The outcome of this process was a cohesive digital and media strategy, of which the VisitScotland.com site is part, which was presented to the VisitScotland Board in July 2010. As is the industry standard in respect of digital and media projects of this nature, an overarching, top-line strategy has been developed, with each headline item having detailed documentation and plans to support

it, running to several hundred pages. A copy of the top-line strategy is attached at Annex D3.

10. Core to the new strategy is the change in focus of VisitScotland.com from an accommodation booking based website, to a fully comprehensive information website about Scotland. The new strategy envisages a site, the overarching purpose of which will be to inspire visitors with rich information about everything that Scotland has to offer, including accommodation, golf, walking, wildlife, restaurants, built heritage etc.

Financial Plan

11. eTourism Limited exists as a separate Limited Company and is reported against the original acquisition plan, a copy of which has already been shared with the Public Audit Committee. In the first full year of trading since the acquisition, the company has shown a net operating profit of £0.64 million for the year ended 31 March 2010. This is in line with the acquisition plan which is summarised below:

	2009/10 Plan	2009/10 Actual	2010/11 Plan	2011/12 Plan
Income (000)	£3,055	£3,253	£3,037	£3,043
Costs (000)	£2,463	£2,615	£2,137	£1,873
Operating Profit (000)	£592	£638	£900	£1,170

12. The trading performance during the year allowed eTourism Limited to repay £0.5 million of the acquisition loan, leaving £686,000 outstanding at March 2010. Another significant payment is expected to be made in the year to 31 March 2011.

13. As the life cycle of the acquisition plan draws to a close, moving forward the digital and media strategy, of which the VisitScotland.com website is a major part, will become a core function of VisitScotland. Full analysis is being conducted to determine projected expenditure and projected income to support the overall strategy. The financial plan for the Digital and Media Strategy will be fully integrated into the VisitScotland core financial plan. Work is currently underway to prepare this fully integrated plan which will have to take into account overall available funding following the Comprehensive Spending Review and the Scottish Government's subsequent budget proposals.

Benefits

14. By delivering the digital and media strategy, VisitScotland will present a world class tourism web site with increased traffic and conversion rates. It will provide a centralised database for Scotland and give businesses a quick and easy way to update their information. A more user friendly, content rich site will in turn lead to a higher number of visitors to the site. This in turn will

enhance VisitScotland's reputation with the industry and result in substantial income generation driven by the web site.

September 2010

Annex D1

VisitScotland Industry forum members

Alan Keith	Association Dumfries & Galloway Accommodation Providers
Alan Rankin	Aviemore & Cairngorms Destination Management Ltd
Brian Richardson	Caravan Club
Chris Winson	Wheatsheaf Hotel & Her, Swinton – independent operator
Dominic McVey	Glasgow Hoteliers Association
Douglas Walker	Association of Scottish Visitor Attractions
George Mair	Confederation of Passenger Transport
Iain Herbert	Scottish Tourism Forum
Iain Limond	Scottish Destination Management Association
Ian McCaig	Golf Operator, web designer, DMO
Laura Goddard	Association of Scotland's Best B&Bs
Lina Borwick / Sarah Troughton	Historic Properties – including Historic Scotland, Historic Houses Association, National Trust for Scotland
Louise Scott	Scottish Local Authorities Economic Development (SLAED)
Maurice Taylor	Chardon Management
Paul Easto	Wilderness Scotland – representing Wild Scotland and Activity Scotland
Rene Looper	Tumind (web consultancy specialising in travel & tourism), also representing Moray DMO
Robert Kennedy	Association of Scotland's Self Caterers
Robin Worsnop	Rabbies Trailburners and ETAG
Ronnie Somerville / Charles Shaw	5pm.co.uk
Ros Lamont	The Audience Business – representing the events sector
Susan Cowan	Independent self-catering provider
Willie Dunn	West Lothian Council and VisitScotland Board member

Annex D2

Feedback from Forum Members:

"As the new incumbent in charge of VisitScotland Digital and Media, Robbie Parish presented to the Industry Group in July outlining his vision and how this would be implemented. It was a breath of fresh air and apparent that not only had he quickly assimilated the issues and challenges of the industry but presented a comprehensive strategic plan to address these. His presentation was welcomed by the entire Group who for the first time actually appreciated that their views were being listened to and a clear vision presented to move things forward in a positive fashion. If given the internal and political support I would have confidence that Robbie has the ability to work towards a new positive era for VisitScotland and their strategic challenges. "

Charles M Shaw.
Chairman – 5pm.co.uk

"I have attended several meetings over the last two years as part of the VisitScotland.com industry group. As a member of the ASSC Executive Committee I had also taken a keen interest in VisitScotland.com for some time before this. I firmly believe that Scotland is one of the best tourism destinations in the world and we should aim to reflect this with the best national tourism website in the world. I was delighted when it became evident that Robbie Parish also shares this ambition with the new strategy for a Digital Scotland. In fact the strategy that was presented to us in July clearly outlines a vision that far exceeded my original expectations. Robbie Parish and his team have clearly put a massive amount of detailed work into researching and planning the strategy. I feel confident that this detailed preparation should result in a project that is delivered as planned. There have been many problems with the existing VisitScotland.com for the self-catering sector that I represent, especially with problems relating to pricing and booking. Following discussions at the meeting in July I'm certain that these problems will be overcome with added functionality that will serve our sector extremely well. In summary, I'm confident that the Digital Scotland strategy, with Robbie Parish at the helm, will provide Scotland with a world-beating national portal.

Robert Kennedy
Supercontrol Online Booking System

Annex D3

Summary of the key components contained within the VisitScotland Digital and Media strategy

Core Database: an essential database of all Scotland's products and services, e.g. visitor attractions, accommodation, restaurants, golf courses, walks, historic buildings, will be created and will feed into the VisitScotland.com site. This does not currently exist and will allow much richer information to be available for visitors to Scotland.

Extranet system: the development of the extranet system, which is a secure editorially controlled facility for all products and services in Scotland, will enable the owners of these products and services, e.g. local authorities, managers of nature reserves, accommodation owners, owners of restaurants etc, to upload information on their products and services. The system will also allow product owners to update information and will enable close partnership working between VisitScotland and the industry.

A single site: the strategy will see the migration from multiple domains and microsites to one core website. Currently, in addition to the main VisitScotland.com website, there are various microsites such as a walking site, a golf site, an adventure sports site. The migration of all these sites into one core site will deliver a single digital gateway for Scotland which will be more user friendly for visitors and which will also enable VisitScotland to understand its visitors more comprehensively, as outlined in the other key components of the strategy.

Content Management System: the strategy will see VisitScotland moving from multiple content management systems for a core system which will enable the consolidation of the multiple sites as outlined above.

Analytics: the strategy will see the migration from five analytics packages to one core system with back up. This will provide us with a total view of the customer, i.e. we will get a fuller picture of a customer's interests which will allow us to target visitors in a more sophisticated way which will be more cost effective and efficient. A single analytics package will also allow us to understand better how successful our marketing campaigns are.

Customer Relationship Management: VisitScotland will develop the way in which it manages its visitors, using information from the analytics package and from the call centre. This information will help to enhance VisitScotland's marketing, similar to a form of market research.

Geomapping: VisitScotland will develop a google maps capability on the VisitScotland.com website which will show visitors where places are in relation to other places, thereby providing them with richer information about Scotland.

Retail: VisitScotland will develop a retail capability which will enable products and services to be viewed and either bought directly through VisitScotland or via links to the owners' own websites. Examples of retail activity of this nature would include tickets to Edinburgh zoo, tickets to the tattoo.

Accommodation: as outlined above, information on accommodation will become only one component of a much more comprehensive Scotland website. VisitScotland is currently reviewing the existing accommodation system, considering the best approach for moving forward. Throughout this process we will continue to consult with industry through the Industry Forum and other channels.

ANNEX E

The First ScotRail passenger rail franchise

We have considered the process for the registering of interests for senior staff beyond our recruitment procedures. There are several trigger points to remind staff of the requirement to register and update their interests:-

- Senior Civil Service recruitment literature explains the requirement to declare any potential conflicts of interest and the SCS application form has a section on conflicts of interest which applicants are required to complete. Where an applicant indicates that they have a conflict of interest this is brought to the attention of the Recruitment Board for discussion at interview.
- The line manager must ensure that on appointment all necessary action is taken to register interests and where a potential conflict is identified they are required to develop and agree a management plan to deal with the issue.
- All staff are reminded regularly by HR about the requirement to register interests on her.
- Staff on promotion to the SCS, whether substantive or temporary, are reminded in their assignment letter that they must register their interests on her.
- At in-year and end-year performance appraisal meetings line managers are expected to invite discussion of any instances where it is considered that there may be a potential for a conflict of interest to arise and to agree and record any management action required. This is a standard part of the SCS performance appraisal form. The kind of management action which can be considered includes:-

  - delegating the person's responsibilities in an issue to another member of staff;
  - staff declaring any relevant interests at all meetings to which the interest relates;
  - the recording of such potential conflicts in the minutes of meetings;
  - the exclusion of staff from meetings (or parts of meetings) which discuss matters related to their interests;
  - moving the individual to another post in the SG where the conflict would not arise;
  - the disposal of the interest.

- A reminder is issued in March to the SCS in advance of the end year performance appraisal discussions and reports. The reminder in march 2010 generated some requests for advice from staff about the registering of interests and we regard this as an indication that the level of consciousness about this issue has been raised. A further reminder will issue in September/October 2010 in advance of the in year performance appraisal discussions.

- Audit Scotland conducted an audit of the her records for SCS Register of Interests both last year and again earlier this year. We expect this to be an annual exercise.

- Where a conflict does arise and the interest has not been recorded on the her system and discussed with the person's line manager, staff are aware from the guidance on this issue that disciplinary action may be taken.

- An exercise was carried out earlier this year to ensure that every member of the SCS either has an entry recorded against their name or had informed the Senior Staff Team that they have no interests to register. !00% of the senior civil service had either recorded an interest or provided a nil response.'

Transport Scotland is currently compiling a comprehensive project plan for the re-letting of the ScotRail franchise. Integral to this preparation is comprehensive consultation and communications with key stakeholders to ensure that the re-franchise process is both transparent and understood

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23 August 2010

Dear Sir Peter,

Scottish Government Progress Report – September 2010

As you may be aware, the Scottish Government agreed to provide progress reports to the Committee twice per session on key recommendations arising from Public Audit Committee reports. The first of these progress reports due in session 3 was received in May 2009 with the second progress report due in September 2010.

The Committee is therefore seeking updates specifically on:

- *Police call management (published January 2009);*
- *Review of palliative care services in Scotland (published January 2009);*
- *Major capital projects (published February 2009);*
- *The 2007/08 Audit of VisitScotland (published May 2009); and*
- *The First ScotRail passenger rail franchise (published June 2009);*

Following the committee's consideration of each response, it wrote to the relevant Accountable Officer to indicate which areas it would wish to receive an update on. I attach copies of the lists of these requests at Annexe A.

The Committee would be grateful for a response by close of Friday 24 September 2010. Should you require any further information please do not hesitate to contact the Clerk, Jane Williams on 0131 348 5390 or by email at pa.committee@scottish.parliament.uk.

Yours sincerely
Hugh Henry MSP, Convener

Annexe A: Points for follow-up in the September 2010 progress report from the Scottish Government

POLICE CALL MANAGAMENT
(PUBLISHED JANUARY 2009)

RESPONSE TIMES TO ATTEND INCIDENTS

Members agreed to ask for an update on:

- **Progress with the development of a non-emergency response times indicator within the Scottish Policing Performance Framework. (Paras 17 and 18 of the committee report refer)**

THE USE OF 999 AND NON-EMERGENCY NUMBERS

Members agreed to ask for an update on:

- **Progress the 999 Issues in Scotland Group has made in exploring how working in partnership could improve the service to the public. (para 35)**

The Scottish Government does not accept that a single non-emergency number is the answer to improving access to non-emergency services and decreasing the cost to callers and believes that the costs involved would outweigh the benefits. The Scottish Government proposes that forces adopt approaches which best fit local conditions.

Members agreed to ask for an update on:

- **Progress forces are making in adopting local non-emergency numbers and whether they are achieving the aims of improving access to non-emergency numbers and reducing the cost to callers. (paras 51-53)**

- **Progress on work with ACPOS on the development of minimum standards for call handling. (para 64)**

ACCOUNTABILITY AND GOVERNANCE

The Scottish Government's response makes only a partial acceptance of the Committee's recommendation that it should consider developing stronger and more transparent national mechanisms for scrutinising and holding ACPOS to account.

Members agreed to ask for an update on:

- **Progress with the implementation of the recommendations on governance and accountability contained in the HMCICS review of Policing in Scotland which was published in January 2009. (paras 93 and 94)**

REVIEW OF PALLIATIVE CARE SERVICES IN SCOTLAND
(PUBLISHED JANUARY 2009)

Members agreed to ask for an update on:

- **The implementation of the *Living and Dying Well* action plan and NHS Boards delivery plans;**
- **The roll out of the electronic palliative care summary;**
- **Progress towards developing NHS QIS palliative care standards;**
- **The implementation of the Directed Enhanced Service for palliative care;**
- **The work of the palliative care ehealth advisory group on collating national data; and**
- **Progress made by the other working groups listed in paragraph 7 of the Scottish Government's response.**

COMMISSIONING ARRANGEMENTS

Recommendations arising from the AGS and the Committee reports:

The AGS found that "commissioning arrangements between the NHS and the voluntary sector are improving but there remain difficulties in agreeing what should be included in the voluntary hospice funding allocation provided by boards." His report recommended that "NHS boards should work with the voluntary sector to put in place commissioning and monitoring arrangements to ensure value for money is achieved."

The Scottish Government's action plan does not make any specific reference to commissioning arrangements.

The Committee believed that boards need robust commissioning arrangements with their partners for the delivery of palliative care services to ensure they deliver value for money. The Committee recommended that the Scottish Government issue guidance to boards on what should be included in their funding allocation to voluntary sector bodies, to supplement existing guidance.

Points arising from the Scottish Government's response:

NHS Boards have been asked how they intend to address the AGS recommendation above through their delivery plans. All responses will be reviewed following submission at the end of March 2009.

Following the collation of NHS Board Delivery Plans a review of current guidance will be undertaken with the view to update guidance. Preliminary discussion has been initiated through the Scottish Hospices Forum.

Members agreed to ask for an update on the development of more robust commissioning arrangements and, in particular, ask whether the relevant guidance has been updated.

POLICY ON DO NOT ATTEMPT TO RESUSCITATE

Recommendations arising from the AGS and Committee reports:

The AGS found that the establishment of a consistent Do Not Attempt Resuscitation (DNAR) policy could improve the quality of palliative care. While most boards and all voluntary hospices have DNAR policies in place, these differ between settings and across health board areas, which results in uncertainty over which policy applies if a patient is moved.

The Scottish Government's action plan contains an action point requiring boards to implement consistent DNAR policies across all care settings, accompanied by education to support its application. It also asks boards to enter into discussions with the Scottish Ambulance Service (SAS) regarding adoption of DNAR policies which are consistent with the SAS End of Life Care Plan.

The Committee believed that a single DNAR policy, consistently applied across all care settings, is essential if patients' wishes are to be respected and implemented. The Committee welcomed the action points on DNAR within the Scottish Government's action plan, but recommended that the Scottish Government ensure that the DNAR policy which is developed and adopted by boards is a consistent, national policy.

Points arising from the Scottish Government's response:

Within the Delivery Plans NHS Boards have been asked how they intend to implement a consistent DNAR policy across all settings. Implementation arrangements will be reviewed following submission of Delivery Plans.

A National Lead for Palliative Care eHealth has been employed and as part of their remit will take forward a national DNAR policy working with NHS Lothian and through eHealth channels. The comprehensive palliative and end of life care training programme that will be directed by NHS Education Scotland will include DNAR.

Members agreed to ask for an update on the development of a consistent DNAR policy and the training being rolled out to implement it.

MAJOR CAPITAL PROJECTS
(PUBLISHED FEBRUARY 2009)

IMPROVING EARLY PROJECT COST AND TIME ESTIMATING

Members agreed to ask for an update on:

- **progress with work by the Infrastructure Investment Group (IIG) to review estimated and outturn costs and determine what action needs to be taken to improve early costings and time estimates.**

PROJECT MANAGEMENT & GOVERNANCE

The Scottish Government have not accepted the Committee's finding that reporting on projects which get into difficulty is inadequate and piecemeal.

Members agreed to ask for an update on:

- **The Scottish Government's review of the criteria for deciding when a gateway review is needed, including the financial trigger for such reviews and the application to projects which are initially assessed as lower risk but which later exhibit problems.**

- **The Scottish Government's review of the gateway criteria, including an estimate of how far the proportion of projects receiving reviews may increase as a result of revising the criteria.**

- **The Infrastructure Investment Group's consideration of whether and how arrangements in support of Accountable Officers could be further strengthened and whether and how interaction between arms length bodies and the Scottish Government's core functions could be improved.**

POST PROJECT EVALUATION

Members agreed to ask for an update on:

- **The IIG's work on improving the compliance rate with the Scottish Public finance Manual with regard to post-project evaluation.**

OVERALL PROGRAMME MANAGEMENT

Members agreed to ask for an update on:

- **The commitment by the Principal Accountable Officer to examine whether, and in what form, regular updates on the progress of major capital projects can be published.**
- **Whether the Scottish Futures Trust is achieving its aim to increase the efficiency of the procurement process and assist the spread of best practice in this area.**

THE 2007/08 AUDIT OF VISITSCOTLAND
(PUBLISHED MAY 2009)

FUTURE OPERATION OF VISITSCOTLAND.COM

Recommendations contained in the Committee's report:

VisitScotland should seek the views of private sector providers to ensure that accurate knowledge of the market feeds into the future business model for eTourism Limited. (para 36)

The Committee believes that VisitScotland should develop a robust business plan for the future operation of the VisitScotland.com website. The plan should set out clearly the objectives, financial forecasts and how progress will be monitored. The plan should be made available to this Committee and to the Economy, Energy and Tourism Committee. (para 37)

Points arising from VisitScotland's response:

Paragraphs 36 and 37 of the report suggest that VisitScotland should seek the views of private sector providers and develop a robust business plan for the future. We absolutely agree and are doing just that. We have already involved tourism businesses and have conducted consumer research to help it develop our business plan and strategy for VisitScotland.com.

Members agreed to seek more detailed information on VisitScotland.com's business plan and how it has been informed by consumer research.

THE FIRST SCOTRAIL PASSENGER RAIL FRANCHISE
(PUBLISHED JUNE 2009)

EXTERNAL CONSULTATION ON THE FRANCHISE EXTENSION

Recommendations contained in the Committee's report:

The Committee is of the view that greater transparency would have been achieved had criteria for the consideration of an extension to the franchise been written into the original contract (para 49).

The Committee endorses the AGS's view that the next franchise contract should specify the criteria that will be used to decide whether an extension is appropriate, should the contract contain an extension option (para 50).

Points arising from the Permanent Secretary's response:

In considering the criteria used in the extension of the franchise and what lessons can be learned, the Committee has made the point (paras 49 and 50) that greater clarity at the outset as to the basis for franchise extension would lead to greater transparency in the application of those criteria and any eventual extension. The public consultation which will occur in advance of letting the new franchise will provide the opportunity to explore fully these themes in the next contract specification.

The Committee agreed to request an update on plans for the public consultation which will occur in advance of letting the new franchise.

DECLARATION AND MANAGEMENT OF INTERESTS

Recommendations contained in the Committee's report:

The Committee believes that both individual employees and employers must take responsibility for declaring and registering interests and ensuring that robust arrangements are put in place to manage those interests in a way which ensures transparency. (para 85)

The Committee recommends that the Scottish Government should consider whether standard processes beyond those attached to the recruitment procedures should be adopted to manage potential conflicts of interests. These could include a minimum requirement that staff declare any relevant interests at all meetings to which the interest relates, the recording of such potential conflicts in the minutes of meetings and the exclusion of staff from meetings, or parts of meetings, which discuss matters pertaining to their interests. (para 86)

Points arising from the Permanent Secretary's response:

- we have implemented changes to the systems for identifying potential conflicts of interest during recruitment to ensure that these are recorded and discussed in a consistent manner.

- There has been since end March 2008 a more systematic process in place to assist members of the SCS to register and manage any interests and we have now provided further support to them through detailed guidance to help achieve consistency of practice. Prompts are in place to ensure that discussions with line managers and recording takes place consistently. In particular, there is now a requirement in the performance management process for every member of the SCS to discuss with their line manager any potential or actual conflict of interest on at least 2 occasions in every year.

- The process for agreeing, recording and ensuring compliance with managerial action when required has been made more explicit.

I confirm that Transport Scotland have now adopted the practice recommended by Audit Scotland, with the presumption that any potential conflicts of interest should be declared at the outset of meetings of the Board and the Investment Decision Making Board. We shall discuss with Audit Scotland the guidelines which already exist in various parts of the public sector and any further action which is required to meet the Committee's recommendation that clear guidelines are urgently produced to address the issue of the accurate minuting of meetings across the public sector.

Members agreed to request an update on how the new guidelines on declarations of interest have bedded in.

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**The Scottish
Government**

Hugh Henry MSP
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27 January 2011

I am writing to inform you that *Living and Dying Well: Building on Progress* has been issued to NHS Boards today. This document, as well as reflecting the progress of *Living and Dying Well,* provides further actions and outlines future developments that will support the continued improvement of palliative and end of life across Scotland.

The publication of this document provides me with an opportunity to thank you for the interest the Committee has shown in the development of palliative and end of life care across Scotland. The Public Audit Committee interest and the recent evidence sessions regarding the Palliative Care (Scotland) Bill have all provided a considered and open discussion on how to take forward palliative and end of life care not only for the Scottish Government, but more widely across the palliative care community.
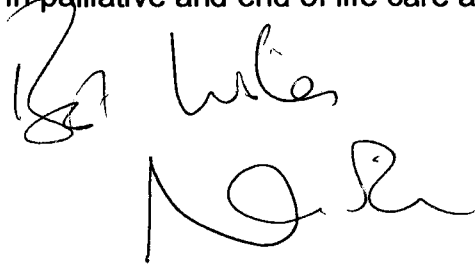
Living and Dying Well: Building on Progress provides further evidence of progress to the Public Audit Committee, which I understand will consider Dr Woods' report in February 2011 (submitted in September 2010). The document is available to download through the following link: www.scotland.gov.uk/livinganddyingwell .

The Health and Sport Committee's report, of 29 November 2010, seeks a commitment from the Scottish Government that it will establish, by 31 March 2011, a suite of appropriate indicators, to allow for the monitoring and reporting of progress against the action points in *Living and Dying Well.* The Living and Dying Well National Advisory Group met in December 2010 and agreed to take forward the development of a suitable reporting mechanism to measure against the actions of *Living and Dying Well.* It is expected this will be agreed at the next meeting in March 2011 and implemented shortly after to allow for regular progress reports.

INVESTOR IN PEOPLE

The *Scottish Government's Healthcare Quality Strategy for NHSScotland,* launched in May 2010 recognises the importance of anticipatory approaches and advance care planning, based on mutually empathic dialogue between patients, families and all of the individual professionals involved, as a key component of person centred care. Indicators and appropriate targets aligned with the potential quality outcome measures identified in the *Healthcare Quality Strategy* are also being developed.

In addition, in its role of supporting continuous quality improvement, NHS Quality Improvement Scotland will work closely with the Scottish Government, NHS Boards NHS Education for Scotland, the Scottish Partnership for Palliative Care and other partner organisations to provide support and advice for implementation and where appropriate, assessment, monitoring and reporting.

Although there is still work to be done, I believe the arrangements set out in *Living and Dying Well and Building on Progress* will ensure the continued commitment and enthusiasm of the palliative care community to realise the improvements in palliative and end of life care across Scotland.

NICOLA STURGEON

INVESTOR IN PEOPLE