

Telephone call with Malcolm Chisholm to discuss the possible announcement to the Scottish Parliament that an ex gratia payment scheme has been accepted as within devolved competence

Lines to take

If SofS chooses not to challenge Mr Chisholm's decision

DH accepts that the Minister for Health and Community Care in Scotland is in a difficult position regarding his communications with the Scottish Parliament's Health Committee on this issue. Should Mr Chisholm choose to announce that an ex gratia scheme has been accepted within devolved competence, we would ask that he work closely with DH in both the drafting of and follow up to the announcement.

If SofS chooses to dissuade Mr Chisholm from his decision

[Non-policy reasons for delaying the announcement are outlined in the accompanying submission]

DH appreciates Mr Chisholm's position, but argues that there are practical and beneficial reasons for delaying the announcement in favour of a joint announcement by both Ministers prior to Mr Chisholm's Committee appearance. DH has not fully worked up a scheme and an immediate unilateral announcement by the Executive may compromise the launch of a UK wide scheme, thus potentially discriminating against patients outside of Scotland.

Speaking notes

Key point – to persuade Mr Chisholm to delay his announcement to give DH time to prepare a joint statement announcing that a wider scheme is being developed

- I appreciate that your position is difficult, and that you are under pressure to demonstrate movement on this issue
- I would ask that any announcement is postponed at least until your Parliamentary Committee appearance (9 September)
- This would give us time to consider making a joint announcement before your Committee appearance
- An immediate unilateral announcement might compromise the development of a workable UK wide scheme for this patient group
- DH would value close co-operation with the Scottish Executive in drafting a joint statement to announce a wider scheme
- I will ask my officials to liaise with the Scottish Executive to help draft the joint statement, agree a convenient date for an announcement and consider fallout