

POLICY NOTE

The Public Services Reform (Scotland) Act 2010 (Commencement No. 7) Order 2016

SSI 2016/22 (C. 4)

The above instrument was made in exercise of the powers conferred by section 134(7) of the Public Services Reform (Scotland) Act 2010. The instrument is laid, no procedure.

Policy Objectives

1. The policy objective is to set the timescale for the regulation of independent health clinics to commence on 1 April 2016 and set the date from which it will be an offence not to register to 1 April 2017.
2. The objective is to start the regulation as swiftly as possible and to give the full year for all clinics to understand their obligations and register with Healthcare Improvement Scotland. From the 1 April 2017 it will be an offence for a person to provide an independent health clinic while it is not registered.

Impact Assessments

3. This instrument is one of a number that will have the effect of bringing independent clinics into the regulatory regime as set out in the National Health Service (Scotland) Act 1978 and regulations made using powers in that Act. An Equality Impact Assessment screening workshop and literature review have been completed on the policy of regulation of independent health clinics and the summary attached. The literature review found one paper on the topic which was the completed impact assessment on the implementation of the regulation which showed no impact. Our assessment has been that the main impact is on knowledge of the public and the potential issue of changes to the fee structure to the clinics (given that regulation means that clinics will be required to register and hence pay a fee) which may cause a pricing differential to emerge, affecting consumers and businesses in lower socio-economic groups unequally. The fee impact is considered unlikely to be significant as the regulation will be equal and thus competition will be on price and businesses are unlikely to pass costs onto the consumers and risk losing their customers. To reduce the information gap a social marketing campaign on cosmetic interventions will be provided for young women aged 18 -29 to understand and source information. The market will be monitored by the regulator and a full consultation on the future fee structures conducted during 2016.
4. A screening review for the Child Rights and Wellbeing Impact Assessment (CRWIA) was undertaken. This concluded that no CRWIA is necessary.

Financial Effects

5. A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy on businesses is that, through clinics being brought within the regulatory regime, they will be required to register with Healthcare Improvement Scotland and pay a registration fee and annual continuation fee set at full cost recovery levels. There may be costs to bring services to the standards being set.

Scottish Government
Healthcare Quality and Strategy Directorate

January 2016