

REGULATORY APPRAISAL

NATIONAL HEALTH SERVICE, WALES

THE NATIONAL HEALTH SERVICE (TRAVELLING EXPENSES AND REMISSION OF CHARGES) (AMENDMENT) (NO.2) REGULATIONS 2006

Purpose and intended effect of the measure

1. These Regulations amend the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 (“the 1988 Regulations”) to take account of the student funding arrangements, introduced from 1 September 2006 for the 2006/07 academic year, when calculating entitlement to the payment of travel expenses and the remission of charges.
2. The effect of the legislation is for the purposes of administering the Low Income Scheme, to disregard any element of maintenance grants, which in Wales and England exceed £1,200. This effectively means that low income students who qualify to receive grants in excess of this sum will not be prevented from qualifying to receive travelling expenses or remission of charges under the NHS Low Income Scheme by virtue of receiving these additional monies. The equivalent provisions will apply to students studying in Wales who come from England, Scotland and Northern Ireland and grant income will be treated as covering a 52 week period rather than the period of study. This disregard ensures parity with students in Wales and England when making claims for travelling expenses and remission of charges under the Regulations.

Risk Assessment

3. Equivalent Regulations came into force in England on 1 September 2006. If these Regulations are not made then there will be no statutory basis for the NHS Business Services Agency (BSA) to process claims from students within Wales on a corresponding basis to claims within England. Therefore, students based in Wales would not be able to benefit in the same way as students studying in England. The devolved administrations in Scotland and Northern Ireland are both currently considering whether to make equivalent legislation.

Options

Option 1: Do Nothing

4. This would either mean that the BSA will continue to administer the system according to current Regulations whereby new students studying in Wales will not get the help they need or more likely that the scheme will be administered according to England’s Regulations meaning that it would be administered unlawfully for Wales.

Option 2: Make the Legislation

5. This will ensure parity for students studying in Wales and England and give help to those in most need from low income families when calculating entitlement to the payment of travel expenses and the remission of charges for NHS services under the Regulations.

Benefits

6. The changes will ensure that students are not penalised in any way and are treated on an equal footing to students in England. It will also ensure that the scheme is underpinned by these Regulations and not complicated by different arrangements for Wales.

Costs

7. The costs in relation to the NHS Low Income Scheme impact on a number of Primary Care budgets and one Secondary Care Budget. The effects of these changes will be cost neutral and will be contained within these budgets. The numbers of future claims from students can not be quantified as they are demand led but they are not expected to increase as a result of these amending Regulations since their intention is to ensure parity between students studying in Wales and England. Therefore, we do not anticipate any significant increase in the number of claims and consequently no additional costs for the Assembly, LHBs or Trusts.

Consultation

With Stakeholders

8. There has been no consultation with stakeholders because these are consequential technical changes to the Regulations and there are no significant financial implications. LHBs and Trusts are not directly affected as the scheme is administered on our behalf by the NHS Business Services Agency in Newcastle and they do not need to be involved in such detail.

With Subject Committee

9. The need for these Regulations was not identified until August this year. Therefore, it was not possible to notify the Health and Social Services Committee prior to the Summer recess. However, the Minister for Health and Social Services wrote to the Chair of the Committee, notifying him of the Regulations and enclosing a copy of them on 20 September 2006. Copies were also circulated to all Committee members.

Review

10. The impact of the Order will be monitored and reviewed through the collection of claims data by the NHS Business Services Agency.

Summary

11. The costs for travelling expenses and remission of charges are met by the Local Health Boards (LHBs) and NHS Trusts from their existing budgets. The option embodied in these Regulations is expected to be cost neutral and is an equitable approach that will assist students from the lowest income households.