

**Y Pwyllgor Iechyd a Gofal Cymdeithasol  
Health and Social Care Committee**

Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



By e-mail to  
[kevin.connolly1@dwp.gsi.gov.uk](mailto:kevin.connolly1@dwp.gsi.gov.uk)

Kevin Connolly  
Policy Liaison  
Compensation Recovery Unit  
Department for Work and  
Pensions  
Durham House  
Washington  
Tyne and Wear NE38 7SF

11 December 2012

Dear Mr Connolly

**The Recovery of Medical Costs for Asbestos Diseases (Wales) Bill**

The above Bill is a Member's Bill (the equivalent of a Private Member's Bill at Westminster) that was introduced in the National Assembly for Wales on 3 December by Mick Antoniw AM. The Bill is being supported by the Welsh Government and has, therefore, a realistic chance of becoming law in due course.

**Purpose of the Bill**

The Explanatory Memorandum that accompanies the Bill explains its purpose in the following way:

*"The purpose of the Bill is to enable the Welsh Ministers to recover from a compensator (being a person by or on behalf of whom a compensation payment is made to or in respect of a victim of asbestos-related disease), certain costs incurred by the NHS in Wales in providing care and treatment to the victim of the asbestos-related disease."*

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## **Consideration in the Assembly**

There is a four stage process for the consideration of a Bill in the Assembly. Stage 1, which is the subject of this letter, involves consideration of the general principles of the Bill by a committee (which includes the taking of written and oral evidence from interested parties and stakeholders), and the agreement (or otherwise) of those general principles by the Assembly. On this occasion, the Bill has been referred to the Health and Social Care Committee for Stage 1 scrutiny.

## **Issue for the Compensation Recovery Unit**

The proposals in the Bill have been modelled to some extent on the work of the Compensation Recovery Unit. The Explanatory Memorandum contains a Regulatory Impact Assessment, which sets out information on potential administrative costs associated with implementing the Bill. This includes, as one option, commissioning the CRU to administer an asbestos-related disease cost recovery scheme on behalf of the Welsh Ministers.

I enclose a copy of the Explanatory Memorandum for your information and draw your attention in particular to paragraphs 66 b., to paragraphs 76 to 87 (and especially paragraph 81) and to the table that follows paragraph 123.

In the light of what is said in the Explanatory Memorandum I would be very grateful if you could comment on the following questions:

- What discussions have taken place between the CRU and Mr Antoniwi, or the Welsh Government, regarding the CRU's potential delivery of the Recovery of Medical Costs for Asbestos Diseases scheme, and what information can you give us about the content of these discussions?
- To what extent is the CRU content in principle to implement the scheme, along the lines of the "preferred option" outlined in the Bill's Explanatory Memorandum?
- What assessment, if any, does the CRU make of the potential difficulties posed by the differences between recovering NHS costs under the existing legislation (for injuries) and under the proposed scheme for asbestos-related diseases?
- What input did the CRU have into the calculation of costs attributed to it running the proposed scheme and the redevelopment of its existing systems outlined in the Bill's Explanatory Memorandum? To what extent do you take these costs to be realistic?

## **Timescale**

The time available for the Committee to consider and report on the Bill is very limited. We will be taking oral evidence from Mr Antoniwi and the Welsh

Health Minister, Lesley Griffiths AM, on 24 January 2013. It would be most helpful if you could provide a substantive response to this letter by 11 January 2013 so that the Committee's support team can take your response into account in preparation for the session with Mr Antoniwi and the Minister on the 24<sup>th</sup>.

### **Disclosure of Information**

It is normal practice for the National Assembly to publish evidence provided to a Committee. Consequently your response may appear in a report or in supplementary evidence to a report. The National Assembly will not publish information that it considers to be personal data.

In the event of a request for information submitted under UK legislation, it may be necessary to disclose the information that you provide. This may include information which has previously been removed by the National Assembly for publication purposes.

If you are providing any information, other than personal data, which you feel is not suitable for public disclosure, could you say which parts should not be published and provide your reasons for this. The National Assembly will take this into account when publishing information or responding to requests for information.

If you have any queries, please contact the Clerk for this Bill, Steve George, on 029 2089 8242 or the Deputy Clerk, Olga Lewis on 029 2089 8154.

Yours faithfully

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive style and is positioned to the left of a vertical line.

**Mark Drakeford AM**  
Chair