

By email:
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Dr Kathryn Aiken
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Dear Kathryn

MENTAL CAPACITY BILL – UPDATE ON COSTINGS EXERCISE

As mentioned at the briefing with officials on 2 November 2015, officials have been working on a second phase of an exercise to provide reliable costs estimates. This phase has resulted in a significant reduction of the estimated costs.

We are now working on the basis of a range of £76.4m to £84.7m for year one implementation costs; and £68.6m to £76.9m for recurrent costs (across DHSSPS and DoJ).

For DHSSPS specifically, the year one figure from phase two of the costings exercise is estimated at £71.8m, with recurrent costs estimated at £64m. This reduction has been mainly achieved by challenging and then reducing the assumptions made by HSC Trusts in calculating the amount of staff time that will be required under the new legislation.

DoJ costs have been revised upwards from £4m - £11m to an estimated £4.4m - £13m. This revision in costs is mainly due to an increase in the estimated number of individuals subject to the interventions and authorisations within the Bill. As a consequence of this increase, there will be a corresponding increase in numbers eligible to apply to the Review Tribunal and for legal aid. Review Tribunal costs have also been revised to now include an estimate for travel and subsistence for panel and staff members, which have been calculated on current average costs. The costs to the Review Tribunal of defending judicial reviews are also now included in the revised estimates.

A further phase of the costings exercise is well under way and more reductions in estimates can be expected, as we are now subjecting the staff costs to further rigorous analysis, including use of recent comparative information with other jurisdictions.

I would be grateful if you could bring this letter to the Committee's attention.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Andrew Dawson", is enclosed in a light grey rectangular box.

Andrew Dawson

Mental Health Policy Unit / Mental Capacity Bill Project

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