

**PE1517/VVVV**

Cabinet Secretary for Health and Sport submission of 24 March 2021

I am writing today to supplement my letter of 17 February 2021 to Johann Lamont, which was concerned with the significant number of steps that the Scottish Government has taken to offer assistance and better help women harmed by vaginal mesh and complications arising from its implantation. In particular, I am writing today to confirm that, if the present Government is returned to office, it will if necessary introduce a new Bill to give Ministers specific power to reimburse women for the costs of past mesh removal surgery, in line with the commitment made by the First Minister in the Parliament on 18 March.

Since I last wrote you will likely be aware that there has been published a Scottish Mesh Survivors “Hear Our Voice” Campaign Charter of Mesh Care.

I hope that, in my letter of 17 February, I was able to highlight the many ways in which the Government is already making changes and improvements to policy and services in ways closely aligned to the ambitions described in the Charter. I hope in particular that the ways in which our new national specialist mesh removal centre in Glasgow is growing mirrors closely the ambitions described in the Charter, with patients involved at each stage of its development. The NHS has also initiated a tender exercise to procure mesh removal surgery outside the NHS for women who are not willing to receive surgery in the NHS. Moreover, in relation to mesh, my view and that of the First Minister is that the present halt on its use should remain in place.

The Scottish Government has also recently published a consultation paper about the establishment of a Patient Safety Commissioner, in line with the recommendations of Baroness Cumberlege’s report, and has undertaken separately to implement all of the Baroness’s recommendations as they relate to devolved competencies.

I want in this supplementary letter to address the question of reimbursement of personal costs of past mesh removal surgery, where women have arranged and paid for mesh removal surgery outside the NHS. I recognise, and know from meeting women who have gone to these very great lengths, often involving international travel and by using their own savings, that they have only done so because of the appallingly painful and debilitating complications that they have suffered.

The Government does consider that, in these circumstances, it is appropriate for public funds to be used to reimburse individuals who have in the past made payments from their own funds for such surgery, and for the costs of relevant travel and other expenses.

The Scottish Government is committed to ensuring that we can reimburse women in these circumstances. Consequently, we will take any necessary steps to legally enable this, including new legislation if necessary. So I can confirm through this letter that the present Government will, if it is returned to office, introduce a Bill, should that be judged to be necessary, to give Ministers specific power to make these payments. We will introduce such a Bill as a priority early in the next session, and hope that it will win support from all the parties represented in the Parliament.

My officials have also been considering how such arrangements might be permitted and operate administratively, and this is likely to result in modification of the Scottish Government's present mesh fund. As is the case with the mesh fund at present, appropriate arrangements will be necessary in terms of the verification of applications and new arrangements will likely be necessary with respect to the submission of documentary evidence connected to personal expenditure. It will be necessary too of course to consider appropriate eligibility criteria.

A final decision about whether to allow for reimbursement on the lines set out here, or otherwise, will of course be for the administration in place after the May election, but I hope I have in this letter made the position of the present administration clear.

I hope this letter is of assistance to the Committees.

I am copying this letter to Jackson Carlaw MSP, Neil Findlay MSP and Alex Neil MSP and to the health spokespersons of the other parties in the Parliament.

**JEANE FREEMAN**