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10 February 2020

Dear Sir

**Letter of Comment – Committee *for* Health & Social Care – P.2020/10 ‘Capacity Law’ – Supplementary Policy matters and potential financial implications arising from the appeals process**

One of the priorities of the Future Guernsey Plan is the Disability and Inclusion policy which is being delivered through the Disability and Inclusion Strategy. The introduction of a ‘Capacity Law’ is an important component of that Strategy.

The Policy & Resources Committee, which has responsibility for providing administrative support to the Mental Health Review Tribunal, has been advised by the Clerk to the Tribunal that the Committee *for* Health & Social Care has consulted with it throughout the preparation of the Capacity (Bailiwick of Guernsey) Law, 2020. The Tribunal has confirmed that its members are confident that they have the necessary professional skills and experience to consider appeals under the ‘Capacity Law’ in addition to its existing appellant functions under the Mental Health (Bailiwick of Guernsey) Law, 2010.

Further, the Tribunal is confident that this can be managed by its current membership, based on its current casework and the Committee *for* Health & Social Care’s estimates of the likely additional casework once the ‘Capacity Law’ is in place.

The Policy & Resources Committee notes that the ongoing financial implications of the introduction of a ‘Capacity Law’ is anticipated to be £100,000 which the Committee *for* Health & Social Care is unable to accommodate within its existing budget. Therefore, the Committee *for* Health & Social Care will submit a request for additional funding as part of the annual budget process which, if prioritised, will enable the legislation to be enacted.

The one-off cost of implementing the Law is estimated to be up to £75,000 which the Committee *for* Health & Social Care is intending, as far as possible, to fund within its existing resources. However, as set out in the policy letter, it is noted that the Committee *for* Health & Social Care may need to request funding from the Budget Reserve to adequately resource the implementation of the legislation.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Gavin St Pier', with a small dot at the end.

Gavin St Pier  
President, Policy & Resources Committee