Regulatory Policy Committee

The Blood Tests (Evidence of Paternity) (Amendment) Regulations 2015

Ministry of Justice

RPC rating: validated

Description of proposal

The measure relates to legislation surrounding parentage disputes in any civil court proceedings. Currently, DNA sampling is required to be conducted through blood testing by a medically-qualified person. The proposal would allow DNA tests to be conducted through mouth-swabs, which can be supervised by officers of the Children and Family Court Advisory and Support Services.

Impacts of proposal

The measure is expected to result in a net benefit to laboratories that provide DNA testing for family court proceedings. Laboratories will see a reduction in costs, as they will be able to appoint trained (but not medically-qualified) people to supervise or conduct mouth swabs for relatively lower wages. The department estimates a saving of approximately £260 per test, as the cost is estimated to fall from around £335 to around £75 per test.

As there are estimated to be around 700 tests conducted per year, the department expects the proposal to result in a saving of £182,000 per year. The department reduces this figure by 20% to account for uncertainties and optimism bias, resulting in a final saving estimate of £145,600 per year across all laboratories.

Although laboratories will be required to provide training for new supervisors, the department considers that the cost of the training will be lower than the expected wage savings. The IA concedes that the cost of providing training has not been monetised as it is unlikely to make a material difference to the estimated equivalent annual net cost to business (EANCB).

The RPC verifies the estimated EANCB of -£0.1 million. This is a qualifying regulatory provision that will be reported under the business impact target.

Quality of submission

The department has produced a concise final stage IA that provides sufficient evidence to support the estimated EANCB. However, the IA could have been

improved by including the sources used to obtain the price of a blood test and the number of tests conducted per year.

The IA describes the effect of the proposal in terms of a reduction in the price of a blood test. It would have been beneficial for the IA to describe the effects of the proposal in terms of a reduced operating cost for laboratories, as this is the direct effect of the proposal. Any pass-through of this saving to consumers in the form of a reduction in the price of blood tests would be considered indirect. However, the department appears to have scored the impacts correctly and have merely used the reduction in the price of a blood test as a proxy for the reduction in the operating costs of laboratories. The use of a proxy is reasonable, however, the IA would have benefitted from an explanation regarding why it was not possible to measure the operating costs of laboratories directly.

The department should have provided a stronger justification for the 20% reduction in the final estimate of the annual cost savings. Although the RPC encourages the use of best estimates rather than an attempt to be conservative, in this instance it appeared reasonable to adjust for uncertainty. However, the rationale for the amount of the reduction is unclear in the IA.

The IA would have benefitted from monetisation of the transition costs. However, the department's argument that it would not have been proportionate to do so appears to be reasonable, as the transition costs are unlikely to have made a material difference to the EANCB.

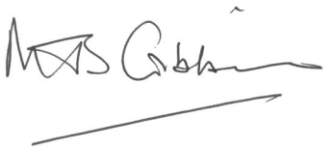
Departmental assessment

Classification	Qualifying regulatory provision (OUT)
Equivalent annual net cost to business (EANCB)	-£0.143 million
Business net present value	Not provided

RPC assessment

Classification	Qualifying regulatory provision (OUT)
EANCB – RPC validated[1]	-£0.1 million
Small and micro business assessment	Not required (deregulatory)

[1] For reporting purposes, the RPC validates EANCB figures to the nearest £100,000.



Michael Gibbons CBE, Chairman