POLICY NOTE

The Adults with Incapacity (Ethics Committee) (Scotland) (Coronavirus) Amendment Regulations 2020

SSI 2020/151

The above instrument was made in exercise of the powers conferred by section 51(6) of the Adults with Incapacity (Scotland) Act 2000 and all other powers enabling them to do so. The instrument is subject to negative procedure.

Purpose of the instrument.
As a consequence of Covid-19, to improve the capacity of and introduce some flexibilities into the working of the committee established to deal with research involving adults with incapacity in Scotland.

Policy Objectives
In response to Covid-19 a programme of research has been commissioned across the UK. Where research involves recruiting patients in the NHS, an ethical opinion must be sought from a Research Ethics Committee (REC). In the context of research within intensive care the opinion must be sought from the "Scotland A" Committee, which is the REC established under section 51 of the Adults with Incapacity (Scotland) Act 2000. The policy objective is to improve the capacity of Scotland A to deal with the anticipated workload. This will be achieved through introducing the role of "alternate vice chair" to convene the committee in the absence of the chair/ vice chair; increasing the term of appointment from 10 to 12 years to enable existing members to be retained through the anticipated term of the pandemic, and; reducing quoracy to 3, for example to assist the committee through periods of non-availability of clinician members of Scotland A during the pandemic.

Consultation
No public consultation has been conducted. However, staff in NHS Lothian (the Health Board which supports Scotland A) as well as the chair and members of the committee were consulted and were supportive of the changes.

Impact Assessments
No impact assessments have been conducted. This is because the changes are technical in nature and do not affect the policy or practice in regard to research involving adults with incapacity.

Financial Effects

The Cabinet Secretary for Health and Sport confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Chief Medical Officer Directorate
May 2020