EXECUTIVE NOTE

THE NATIONAL HEALTH SERVICE (DISCIPLINE COMMITTEES) (SCOTLAND) AMENDMENT REGULATIONS 2009 (SSI 2009/308)

The above instrument was made in exercise of the powers conferred by sections 17P, 25(2), 26(2), 27(2), 105(7), 106(a) and 108(1) of the National Health Service (Scotland) Act 1978 and section 17 of the Health and Medicines Act 1988. The instrument is subject to negative resolution procedure.

Background

Health Boards may refer persons on health service lists to NHS Discipline Committees for potential breaches of their terms of service. The sanctions which an NHS Discipline Committee may recommend are: a warning to comply more closely with terms of service, a withholding from remuneration or, for dentists only, a requirement to submit estimates for the prior approval of the Scottish Dental Practice Board for specific dental treatments for a specified period.

Policy Objectives

This instrument makes two practical, minor changes to procedure-related timescales in the National Health Service (Discipline Committees) (Scotland) Regulations 2006. Paragraph 6(2) of Schedule 1 is amended to provide that the term of office of Discipline Committee members is extended from one year to three years to maintain experience/knowledge. Many other appointments to NHS bodies extend beyond one year. Paragraph 1(1)(a) of Schedule 2 is amended to provide that, where a practitioner is referred to a Discipline Committee, a notice must be sent to that practitioner within five working days, rather than two. This allows for circumstances such as sick leave or annual leave.

There is also a transitional provision to deal with those who are referred to the appropriate discipline committee before the coming into force date, but for whom the two working day period has not yet expired on that date. The transitional provision preserves their right to a two working day turnaround in that instance.

Consultation

Views were sought from the statutory consultee, the Scottish Committee of the Administrative Justice and Tribunals Council, and from the professional representative bodies. All indicated that they were content with these changes.

Financial Effects

There will be no financial effects.

SCOTTISH GOVERNMENT HEALTH DIRECTORATES
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