The General Medical Council (GMC) is pleased to have the opportunity to respond to the Finance Committee’s consultation on the Public Services Reform (Scotland) Bill. Most of the Bill deals with matters which are outwith our remit. However, there are several issues covered in Part 5 of the Bill, on the formation of Healthcare Improvement Scotland (HIS), which are relevant to the work of the GMC.

The effectiveness of healthcare regulation is enhanced where there is good cooperation and information sharing between the systems regulator (in this case the new HIS) and the bodies responsible for professional regulation in healthcare, such as the GMC. It would therefore be helpful if the Bill contained an explicit obligation for HIS to co-operate with the professional regulators. We also note that the Bill provides for regulations to be made governing the registration requirements for bodies providing healthcare services and would welcome inclusion in any future consultation relating to those regulations and requirements.

Several clauses in Part 5 deal with the supply of information from healthcare services to HIS and the use, by HIS, of that information. Most significantly, 90 (10) J (4) gives HIS the power to ‘require any independent health care service to supply it with any information relating to the service which it considers necessary’ - and 90 (10) K (4) restricts the subsequent use of confidential information. Clauses 90 (10) N (3) e and f state that regulations ‘may’ make provision regarding ‘the sharing or production of information (including health records) for the purposes of an inspection’ and ‘as to interviews and examinations (including physical and mental examinations) which may be carried out in connection with the inspections’. We suggest a clause requiring ministers to consult on and publish a code of practice to regulate HIS’ use of its powers (please note the requirement for such a code of practice for the Care Quality Commission at Section 80 of the Health and Social Care Act 2008).

Clause 90 (10) Z (3) states that HIS must consult on its proposals for its complaints procedure. 90 (10) Z (4) goes on to discuss offences in relation to running an unregistered independent healthcare service. We look forward to the discussions surrounding both on appropriate referrals to professional regulatory bodies.

Paragraph 90 (10c) 2 (d) states that HIS will perform a duty on behalf of Scottish Ministers to ensure that there are facilities available for undergraduate and postgraduate clinical teaching in Scotland. The General Medical Council sets the standards and outcomes for basic medical education and quality assures the medical schools. We shall shortly be merging with the Postgraduate Medical Education and Training Board, which will extend our role across the postgraduate years of medical training, building on our joint Quality Assurance of the Foundation Programme. We look forward to working closely with HIS and NHS Education for
Scotland around clinical teaching and training and would particularly welcome clarification of the relationship between HIS and the Area Health Boards in the provision of clinical teaching facilities.

Jane Todd
Head of Scottish Affairs