Finance Committee

Health (Tobacco, Nicotine etc. and Care) (Scotland) Bill

Additional information from Healthcare Improvement Scotland: Monitoring of independent healthcare services

The FM states that the duty of candour procedure ‘will require that Healthcare Improvement Scotland, the Care Inspectorate and the Scottish Government implement arrangements to monitor the implementation of the duty of candour procedure’. For HIS, the proposal is that we would receive the reports for independent healthcare services. In relation to the first paragraph, we are agreeing in principle that this duty could be incorporated within our existing processes, which will require some changes but we do not anticipate a significant additional cost.

The issue in the second paragraph is what is covered by ‘independent healthcare services’. Healthcare Improvement Scotland is responsible for the regulation of independent healthcare services in Scotland, as defined in the National Health Service (Scotland) Act 1978 (the Act) as follows:

- An independent hospital (which includes hospices)
- A private psychiatric hospital
- An independent clinic
- An independent medical agency
- A private ambulance service

However the provisions of the Act that relate to the regulation of independent healthcare services have only been commenced in so far as they relate to independent hospitals and private psychiatric hospitals. At present therefore, we only regulate those specific services would therefore only be able to build in monitoring of the duty within those services.

We expect that the regulation of independent clinics will be commenced 1 April 2016 with 12 months to process the registrations of the new services. The point being made therefore is that we only have a regulatory role where the provisions of the Act have been commenced – this is different to the totality of ‘independent healthcare services’.