

PE1493/R



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Andrew Howlett,  
Assistant Clerk,  
Public Petitions Committee  
The Scottish Parliament

15 September 2014

Dear Mr Howlett,

### **CONSIDERATION OF PETITION PE1493 ON A SUNSHINE ACT FOR SCOTLAND**

Thank you for your letter of 14 November. I am very sorry that you have not received an earlier response.

You asked for the Department of Health's views on the petition, which calls on the Scottish Parliament to urge the Scottish Government to introduce a Sunshine Act for Scotland, creating a searchable record of all payments (including payments in kind) to NHS Scotland healthcare workers from Industry and Commerce.

As you know, the Scottish Government is accountable to the Scottish Parliament for the NHS in Scotland. It is for the Scottish Government (and ultimately for the Scottish Parliament), not for the Department of Health, to decide what steps to take in relation to the NHS in Scotland.

In England, requirements on business conduct in the NHS have been set out in two circulars, "Standards of Business Conduct for NHS Staff"(HSG(93)5)<sup>1</sup>, which was addressed to employing authorities, and "Code of Conduct and Accountability in the NHS" (EL(94)40).<sup>2</sup> This guidance requires NHS organisations to implement a local "Standards of Business Conduct Policy". These policies cover rules about declaration of interests including financial interests, payments and hospitality received, etc. Business Conduct and declarations of interest are primarily a matter between an employer and their employees and we have no reason to believe that they are not taken very seriously by NHS organisations and their employees. Failure to comply would be a disciplinary matter that could ultimately result in dismissal. We have no plans for a national register as this is a local employment matter. We will watch with interest any steps the Scottish Government takes in this area and will consider if there are lessons for England.

I hope this is helpful, and I apologise again for the delay in replying.

Yours sincerely,

Jenny Harper, Legislation and Policy Branch, NHS Group

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<sup>1</sup> [http://filesdown.esecure.co.uk/NorthLancsPCT/Standards\\_for\\_Business\\_Conduct.pdf\\_26022008-1113-20.pdf](http://filesdown.esecure.co.uk/NorthLancsPCT/Standards_for_Business_Conduct.pdf_26022008-1113-20.pdf)

<sup>2</sup> [http://www.nhsbsa.nhs.uk/Documents/Sect\\_1\\_-\\_D\\_-\\_Codes\\_of\\_Conduct\\_Acc.pdf](http://www.nhsbsa.nhs.uk/Documents/Sect_1_-_D_-_Codes_of_Conduct_Acc.pdf)