



Dr Peter J. Gordon

Friday, 23rd January 2015

To: **Sigrid Robinson**
Assistant Clerk
Public Petitions Committee
The Scottish Parliament
petitions@scottish.parliament.uk

Dear Ms Robinson

Scottish Parliament Public Petition PE1493 on a Sunshine Act for Scotland

Thank you for informing me that my petition is to be considered by the Public Petitions Committee at its meeting on Tuesday 27th January 2015.

You suggested that I might like to make a short written submission for the meeting of the Committee informing me that this would be published online with the other evidence that the Committee have gathered for **Petition PE1493**.

Before I offer a brief summary, a year on almost to the day from my last written submission, I would like once again to thank the Committee, and supporting staff, for continuing to explore how the people of Scotland might benefit from a Sunshine Act.

I understand from your communication of the 20th January 2015 that the Committee, "*despite numerous reminders,*" has received no response from the Scottish Government. I am disappointed to hear this, particularly as the summary produced by the Scottish Government, in their letter of 17 April 2014, would appear to demonstrate wide failings in NHS Scotland's Compliance with **HDL (2003) 62**. Given these failings, in December 2014 I contacted all 14 regional NHS Boards for further clarification and in the hope of progress. I have so far had reply from only 2 NHS Boards.

NHS Forth Valley and NHS Tayside now have a central register of interests for all staff. Both have now made these registers publicly accessible.

NHS Forth Valley: the current register includes the names of only 7 staff and all the other entries are by designation only. NHS Forth Valley's register is therefore not complete in that it does not consistently identify individual staff. The Director of Education for NHS Forth Valley, confirmed last year in writing that he was "*not aware*" of **HDL (2003) 62**. The Director of Education also confirmed that Forth Valley's "learning Centre" has "*no budget that pays for educational meetings*". <http://nhsforthvalley.com/publications/policies-and-procedures/>

NHS Tayside: is the only other Health Board to reply to my recent request for an update and provided the public link to their Register (below). The register begins in 2011 and records 16 entries, and each without any identifying name. Ms McLeay, Chief Executive, stated in her reply of the 30th December 2014 "*I agree that this public record of sponsorship is not complete and accurate at this point*".

http://www.nhstayside.scot.nhs.uk/YourHealthBoard/Governance/PROD_207225/index.htm

NHS Lothian: I have had no reply to my recent communication on **HDL (2003) 62**. The situation as recorded in FOI reply from NHS Lothian dated 6th May 2013 stated: "*There are no other* [apart from Board members]

centrally held registers available within NHS Lothian and any such register would not necessarily identify payments to staff”.

NHS Greater Glasgow: I have had no reply to my recent communication on **HDL (2003) 62**. Following my original FOI request (before I lodged this petition in September 2013) NHS Greater Glasgow attached a register that covered 5 years and had entries for 27 separate employees. NHS greater Glasgow is the largest health board in the United Kingdom, serving 1.2 million people and employing 38,000 staff. This NHS Greater Glasgow register for “all staff” is not available to the public.

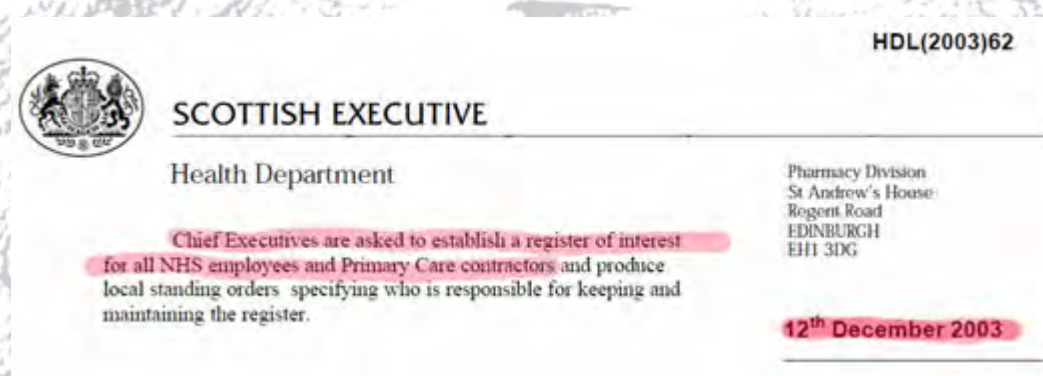
NHS Ayrshire and Arran: have promised to reply to my recent communication on **HDL (2003) 62** stating that “turnaround times are proving challenging”. NHS Ayrshire and Arran stated in June 2013 “discussions are ongoing to create a register to encompass the whole organisation ... we are in the process of updating our Model Publication Scheme to include this register which will be published on our public website.” I can today find no such register (other than for Board Members only) for NHS Ayrshire and Arran.

NHS Lanarkshire: I have had no reply to my recent communication on **HDL (2003) 62**. However previously (15th May 2014) Dr Iain Wallace, the Medical Director for NHS Lanarkshire, wrote to me stating: “I can advise that it is not the intention of NHS Lanarkshire to publish a register of interests for all staff”.

NHS Grampian: I have had no reply to my recent communication on **HDL (2003) 62**. However in relation to my original FOI request, I was informed in July 2013: “...no such register is maintained and therefore a copy is unable to be provided to you....In all of the circumstances therefore, NHS Grampian is unable to provide a register to meet your requirements.”

From the 6 other regional NHS Boards I have had no reply to my recent communication on **HDL (2003) 62**. I have not made further contact with the 7 special NHS Boards since my original FOI request. My understanding however is that **HDL (2003) 62** applies equally to the special boards.

To remind the Committee, here is the relevant section of **HDL(2003) 62**:



On the 17th May 2014 the Herald reported: “The Health Secretary has asked officials to urgently investigate why some NHS boards have not put in place registers as covered by the 2003 circular. Alex Neil believes the guidance is clear that this action should have been taken, and we are looking for clarification on why some boards have not acted.”

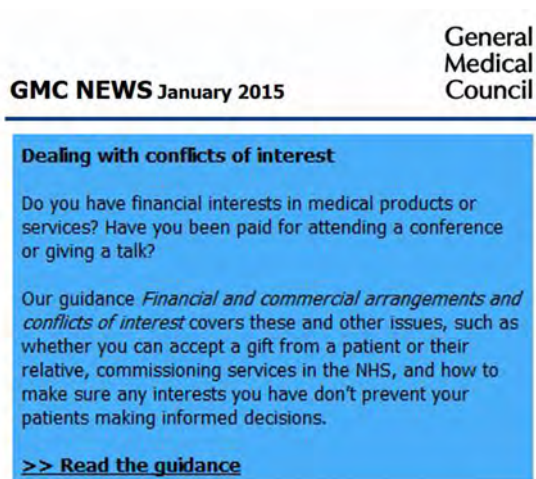
SUMMARY:

1. **HDL (2003) 62** was issued 12th December 2003. It is more than a decade old. It asked **Chief Executives** to “establish a register of interest for all NHS employees and Primary Care Contractors.”
2. The Scottish Government summary of the 17th April 2014 demonstrated widespread failure to comply with **HDL(2003) 62**. The updated evidence I have managed to gain indicates reasons to be more rather than less concerned.
3. I have found no evidence, in any register of any sort, of declarations from “Primary Care Contractors”.

The Committee may recall that before I had submitted oral evidence for the petition the **Association of the British Pharmaceutical Industry (ABPI)** submitted a letter to the Committee. The ABPI plan to develop what they

term a “Central Platform”: from the 1st July 2016 the intention is to collect and record data of individual payments to healthcare practitioners and record these on an open database. It is important to note that healthcare practitioners will be able to **opt-out** if they do not wish payments to be disclosed.

The General Medical Council (GMC), in reply to the Petition Committee confirmed that a “*compulsory register would require legislative change.*” This week the GMC sent this reminder to medical practitioners:



GMC NEWS January 2015

General Medical Council

Dealing with conflicts of interest

Do you have financial interests in medical products or services? Have you been paid for attending a conference or giving a talk?

Our guidance *Financial and commercial arrangements and conflicts of interest* covers these and other issues, such as whether you can accept a gift from a patient or their relative, commissioning services in the NHS, and how to make sure any interests you have don't prevent your patients making informed decisions.

[>> Read the guidance](#)

Despite reminders, NHS Boards are not following existing guidance. This strategy has failed for more than ten years. The disappointingly slow response of the Scottish Government to communication from the Committee only highlights the failure of the current approach. This strengthens my view that a new law would be a better way of focusing minds on a matter that may be having a significant impact on Scotland's health. I would remind the Committee that I was first prompted to look into this when considering the widespread, off-label over-prescription of antipsychotic medications for Scotland's elderly people. My experience was that the Pharmaceutical Industry financially supported the “education” of healthcare practitioners in this approach.

I hope this update is of some assistance to the Committee ahead of the 27th January 2015. I wish to say that I am very grateful to the Committee members, and supporting staff, for all your help.

Yours sincerely,

Dr Peter J. Gordon

Full correspondence on NHS Registers of Interest can be followed here:

<https://holeousia.wordpress.com/category/medical-writings/pharmaceutical-industry-and-medical-education/nhs-hospitality-registers/>