

John Pentland MSP
Convenor of the Public Petitions Committee
T3.40
Scottish Parliament
Edinburgh
EH99 1SP



24 February 2015

Dear John,

Thank you for your letter of 29 January about the consideration of petition PE1493 on a Sunshine Act for Scotland, creating a searchable record of all payments (including payments in kind) to NHSScotland healthcare workers from industry and commerce. I'm sorry if delay in receiving the Scottish Government's last response caused any inconvenience.

You have asked about a circular from 2003 which asked NHS Board and Trust Chief Executives to establish a register of interest for all NHS employees and Primary Care contractors and produce local standing orders specifying who is responsible for keeping and maintaining the register. My officials investigated last year why action was not taken from 2004 onwards and concluded that a range of issues appear to have contributed to the current situation including uncertainty on scope and definitions, resources, IT systems, accountability, enforcement and practicalities around independent contractors. We can find no record of concerns having been raised with the Scottish Executive or Scottish Government about this issue before contact from Dr Gordon, the petitioner. However, we have repeatedly said that the petitioner raises important issues which is why we've taken the opportunity to take a broader view. Even if fully implemented, the circular from 2003 would not meet the demands of the petition.

I appreciate your welcome of the Scottish Government's intention to conduct a wider consultation and in particular seek views of patients and their families. Of course I agree that the petitioner's views should be considered as part of this. We have sought views from the petitioner in August 2014 and February 2015 and will continue to do so. Work has already started assessing the best way to engage patients and the public in these issues and consultation is planned for 2015.

The EFPIA Code you mention covers Europe and these principles are incorporated in the Association of British Pharmaceutical Industry Code of Practice for the Pharmaceutical Industry 2015. It covers transfers of value from this year. As mentioned to the Committee in the correspondence from my officials, seeking views from the people of Scotland on what a robust, transparent and proportionate response to this issue should look like in 2015 and beyond will be done in the context of the existing legislation, role of professional and regulatory bodies and the significant progress towards voluntary registers by the pharmaceutical industry.

I am happy to consider any recommendations from the Public Petitions Committee on this issue.

SHONA ROBISON