

Patient Safety Commissioner for Scotland

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Information for Applicants

To apply for this appointment, you should read the information below and complete and return your application form by **12 noon on Monday 23 September 2024**.

Context

The Patient Safety Commissioner for Scotland Act 2023 provides for the establishment of a new independent officeholder – the Patient Safety Commissioner for Scotland.

The successful candidate will be appointed by His Majesty on the nomination of the Scottish Parliament.

A cross-party selection panel, chaired by the Presiding Officer, the Rt Hon Alison Johnstone MSP, has been established to undertake the recruitment of this new independent officeholder.

Statutory Framework

The Patient Safety Commissioner for Scotland Act 2023 provides for a Patient Safety Commissioner for Scotland whose role will be to advocate for systematic improvement

in the safety of health care in Scotland and promote the importance of the views of patients and other members of the public in relation to the safety of health care.

Health care means –

- (a) Services provided for or in connection with the prevention, diagnosis or treatment of illness, and
- (b) Forensic medical examinations.

In order to promote and enhance patient safety and ensure that the patients' views on the safety of health care are heard, the Commissioner will conduct formal investigations into possible safety issues and gather, analyse and report on information from patients and members of the public about safety concerns.

The Commissioner's remit covers all health care providers operating in Scotland including the NHS, NHS contracted and independent healthcare providers.

The Commissioner will work collaboratively with other organisations to improve patient safety adding value to the patient safety system in Scotland rather than duplicating the work of existing organisations.

The Commissioner will focus on improving the safety of health care in the future, not directly addressing past incidents.

The Commissioner will not undertake complaints casework or advocacy on behalf of individual patients, their families or carers. Statutory mechanisms are already in place for patients to raise questions, give feedback and make complaints in particular through the NHS Model Complaints Procedure. The Scottish Public Services Ombudsman is the final stage for complaints about devolved public services including the NHS. Health Improvement Scotland undertakes inspections of health care settings to ensure they are meeting the required standards of care.

The Commissioner will not duplicate any of this work. Instead, the Commissioner will take a macro view of patient safety in Scotland and seek to improve overall safety rather than address individual cases.

The Commissioner will be able to carry out formal investigations into patient safety related concerns and make reports on their findings to the Scottish Parliament and will make recommendations to which the organisation concerned are legally required to respond within a set period of time.

The Commissioner will establish and maintain an advisory group. The purpose of the group is to give the Commissioner advice and information about matters relating to their functions. At least half of the group's members are to be persons who appear to the Commissioner to be representative of patients.

Governance

Finance and staffing

The Scottish Parliamentary Corporate Body (SPCB) sets the Commissioner's terms and conditions of appointment; approves the Commissioner's annual budget; pays the remuneration and allowances of the Commissioner and indemnifies the Commissioner in respect of any liabilities incurred in the performance of the Commissioner's functions.

Accountable Officer

The SPCB has determined that the Commissioner will be the Accountable Officer. The functions of the accountable officer are—

- (a) signing the accounts of the expenditure and receipts of the Commissioner
- (b) ensuring the propriety and regularity of the finances of the Commissioner, and
- (c) ensuring that the resources of the Commissioner are used economically, efficiently and effectively.

Staff

The Commissioner's determination on their staffing structure requires SPCB approval. The Financial Memorandum which accompanied the Bill suggested that the Commissioner would be supported by a staff team of four. There will be opportunities for shared central services under the SPCB's shared services agenda.

Reports and Strategic Plans

The Commissioner is required to submit annually to the Parliament, a general report on their activities and must also, in respect of each 4-year period, lay before the Parliament, a strategic plan setting out how they propose to fulfil their general duty during that time.

Legal personality

The Act provides that the Commissioner is to be regarded as a juristic person distinct from the individual holding the office.

Location and shared services

The Commissioner will be based in Bridgeside House, Macdonald Road, Edinburgh where several SPCB-supported officeholders are co-located. There will be opportunities to access shared central services (e.g. HR, payroll and financial services).

Key responsibilities and duties

The main responsibilities and duties of the Commissioner are to -

- establish their office and recruit staff
- lead the office and monitor its performance
- ensure the requirements of the Patient Safety Commissioner for Scotland Act 2023 are met including, advocating for systematic improvement in the safety of health care, promoting the importance of the views of patients and other members of the public in relation to the safety of health care, making recommendations, undertaking investigations, undertaking research and horizon-scanning
- promote public awareness of the Commissioner's role and promote co-ordination among health care providers and public authorities with functions that relate to health care
- establish and maintain an advisory group whose purpose is to give advice and information about matters relating to the Commissioner's functions
- prepare a Statement of Principles to inform their functions
- prepare a Charter that sets out what is expected of health care providers in terms of standards and good practice
- initiate formal investigations
- lay before the Scottish Parliament an annual report on how the powers and functions of the Commissioner have been exercised
- lay a 4-year Strategic Plan and any other reports

Accountable Officer Role

As the Accountable Officer, the Commissioner will be accountable for the organisation's expenditure, submitting annual budget bids to the SPCB for approval and laying annual accounts before the Scottish Parliament.

Person specification

The Commissioner's remit will cover all health care providers operating in Scotland, including the NHS, NHS-contracted and independent health care providers. The Commissioner will work collaboratively with other organisations to improve patient safety, adding value to the patient safety system in Scotland rather than duplicating the work of existing organisations.

This will be a high profile, demanding and challenging role.

You will have a track record of operating at a senior level and delivering results. You will have excellent communication and interpersonal skills to enable you to work collaboratively and effectively with health care providers, members of the Advisory Group, patients and the public. You will be resilient to enable you to work under close parliamentary, media and public scrutiny.

We would welcome applications from those working in academia, the legal profession (e.g those doing medical negligence) and the NHS.

Suitability will be tested through the following essential and desirable criteria -

Essential

- Excellent communication skills including active listening, written and negotiation skills
- Highly developed influencing skills when dealing with stakeholders e.g., health care providers, patients, the public, MSPs and Scottish Ministers
- Knowledge of patient safety systems and health care providers operating in Scotland
- Experience of operating at a senior level including leading and managing a small team/organisation to deliver outcomes
- Resilience to drive through change and make improvements
- Proven collaboration skills to facilitate joint working

Desirable

- A familiarity with legal processes (e.g. participating in inquiries, drawing up terms of references and drafting reports with recommendations)
- Undertaking research
- Experience of running investigations
- Experience of operating effectively in the media spotlight.

Disqualification

A person is disqualified from being appointed Commissioner if at the time of the appointment or in the year preceding the appointment, the person is or has been a member of the Scottish Parliament, the House of Commons, or the House of Lords.

Prospective appointment

The Scottish Parliament must make arrangements for inquiring into whether a person whom the Parliament is considering nominating for appointment to the office of Commissioner is, or has been within the year preceding the date on which the appointment is to take effect, an individual with a financial interest in (including by reason of being remunerated by)—

- (a) a health care provider,
- (b) a body constituted by virtue of the National Health Service (Scotland) Act 1978,
- (c) a supplier or manufacturer of medicines or medical devices.

Application and selection process

All applicants must complete an application form and provide a statement of no more than 250 words on why they have applied for the post.

An on-screen version of the application form can be found on our website at:

<https://www.parliament.scot/about/how-parliament-works/parliament-organisations-groups-and-people/officeholders/patient-safety-commissioner-for-scotland>

The application form is split into two sections to ensure anonymity during short-listing. Part A contains personal information, such as your name and address - this is not seen by the selection panel. Part B is the only part of your application the selection panel will see.

Each application is assessed in the same way, against the same agreed criteria for the appointment in question. "Criteria" means the key skills and knowledge we think you need to be able to do the job. The evidence and examples that you provide in Part B of your application form is the only information we will use in deciding whether or not to shortlist you for interview.

Please do not send us your Curriculum Vitae or supporting documents as they will not be considered. This is to ensure that all application forms are assessed equally.

Before filling in part B of the application form you should read the information provided above under the headings '*key responsibilities and duties*' and the '*person specification*'. This is to make sure that you know what the appointment involves and the criteria that will be used in assessing the applications.

Completing Part B of the Application Form

Part B of the application form is your chance to demonstrate that you have the skills and knowledge required. Please address each criterion by providing specific examples to support your statements. You must provide evidence of what *you* did, the reasons for your action, what happened, what you took into account and the outcome.

The selection panel will not make any assumptions about your skills and abilities, for instance through a job title.

You should use no more than 250 words per criterion.

Political Activity Form

The information provided in the political activity form will remain confidential until the panel has agreed who it wishes to nominate. At this time, the information will be released to panel members to make them aware of any activity.

The information provided by applicants regarding their political activity **is not** a determining factor in the selection process.

Additional Information

Please indicate if you have ever been convicted of any offence (other than minor motoring offences) which are not spent in accordance with the Rehabilitation of Offenders Act 1974 or if any charges are outstanding; been adjudged bankrupt or made a composition or arrangement with your creditors over the past 10 years; been dismissed from any office or employment over the past 10 years; ever been disqualified from acting as a company director or in the conduct of a Company; ever been a director, partner or manager of a company which has gone into liquidation, receivership or administration; any other facts to declare which you feel might be

raised in public in future in relation to your suitability to hold appointment for which you are being considered, for example, because they could be presented as a conflict of interest.

Equal opportunities

The Scottish Parliamentary Corporate Body is committed to promoting equality of opportunity and treatment and to eliminating unfair discrimination in its appointment practices.

If you require any of the documentation in an alternative format, or you have any queries about the post or the selection process, please contact Janice Crerar, The Scottish Parliament, Edinburgh EH99 1SP (telephone 0131 348 6851) or at janice.crerar@parliament.scot

The Selection Panel

The Selection Panel will be chaired by the Presiding Officer, the Rt Hon Alison Johnstone and the members are Emma Harper MSP, Clare Haughey MSP, Gillian Mackay MSP, Paul Sweeney MSP and Tess White MSP.

The SPCB's Independent Assessor, Louise Rose will oversee the process and be present at the sift meeting and the interviews to ensure the appointment process conforms to good practice.

Selection Process

Short listing will take place on 30 October 2024. Those applicants who appear from the evidence and examples provided to have the best skills and knowledge for the post will be invited to interview.

Unfortunately we are unable to provide feedback to applicants not invited to interview.

Applicants selected for interview may be required to make an oral presentation to the panel.

Interviews will be held on **Monday 11 November 2024** at the Scottish Parliament.

Please note we do not reimburse travel or other expenses to attend interview but we would be happy to explore alternative arrangements if this causes you difficulty.

Pre-appointment checks will be undertaken prior to an offer of appointment.

Submitting your application

Please ensure you complete and return all the necessary documentation-

- Parts A and B of the Application Form including a statement on why you have applied for the post
- the Equal Opportunities Monitoring Form (this is voluntary)
- the Political Activity Form
- any additional information.

Applications can be e-mailed to:

officeholder.applications@parliament.scot

If you submit your application via e-mail, please ensure that you receive an e-mail acknowledgement from us.

Completed application forms can be posted to:

The Scottish Parliament
Officeholder Services
Room Q2.03
Edinburgh, EH99 1SP

The closing date for applications is **12 noon on 23 September 2024.**

Please note that late applications will not be accepted.

Annex A: Terms and conditions of appointment

Status

The Commissioner is not to be regarded as a servant or agent of the Crown or as having status, immunity or privilege of the Crown; and the Commissioner's property is not to be regarded as property of, or property held on behalf of, the Crown.

The Commissioner is, as such, to be regarded as a juristic person distinct from the natural person holding the office.

Length of appointment

The appointment is offered on the basis of a single term of up to 8 years.

The term of office can be negotiated up to a maximum of 8 years.

A person who has been appointed Commissioner is ineligible for reappointment at any time.

Salary

The salary scale for this post is £89,685 - £112,757. The starting salary is £89,685.

Leave

The Commissioner is entitled to 30 days annual leave with pay, and an additional 11.5 days public and privileged holidays.

Location

The Commissioner will be based at Bridgeside House, Edinburgh.

Evaluation

The Commissioner is subject to annual evaluation which will be undertaken by the SPCB's Independent Assessor who will prepare a report for the SPCB.

Early termination

The Commissioner's appointment ends if

- they are relieved of office by His Majesty at their own request,
- they become disqualified from holding office, or
- they are removed from office by His Majesty if (a) the SPCB is satisfied that they have breached their terms and conditions of appointment and the Parliament resolves that they should be removed from office for that breach or (b) the Parliament resolves that it has lost confidence in the Commissioner's willingness, suitability or ability to exercise their functions and in either case,

the resolution is voted for by a number of members not fewer than two thirds of the total number of seats for members of the Parliament.

Restrictions on other appointments

The Commissioner may not, without the approval of the SPCB, hold any other specified office, employment or appointment or engage in any other specified occupation which would conflict with their responsibilities to Parliament or inhibit or compromise them in the proper exercise of their functions under the Patient Safety Commissioner for Scotland Act 2023.

Subsequent appointments

On ceasing to be the Commissioner, SPCB approval is required to -

- a) be employed or appointed in any other capacity by the Commissioner
- b) be an employee or appointee of (i) any person in relation to whom or (ii) any body in relation to which an investigation has been carried out under the 2023 Act, or
- c) hold any other office, employment or appointment or engage in any other occupation, the Commissioner could not have held by virtue of paragraph 5 of the Act (disqualification from appointment) or as the case may be, engaged in as the Commissioner.

The restriction starts when the Commissioner ceases to hold office and ends on the expiry of the financial year next following the one in which it started.

Political and outside activities

The post is a politically sensitive one which means that the successful candidate is completely barred from taking part in either national or local political activities.

The successful candidate may not take part in any activity which would in any way conflict with their responsibilities to the Parliament or be inconsistent with their official position as the Commissioner.

The successful candidate must not provide professional advice in a private capacity.

Hours of work

This is a full-time appointment based on 37 hours per week excluding lunch breaks. It may require occasional work outside normal office hours in evenings and weekends and may also entail travel within Scotland and occasionally within the UK.

Pension

The post is pensionable. Arrangements are being made for the post to be admitted to the Civil Service Pension Schemes.