



*Letman  
copy*

NHS Management Executive  
St. Andrew's House  
Edinburgh EH1 3DG

19th September 1997

Dear Colleague

**CONSULTATIVE PANEL ON THE REGISTRATION OF NURSING HOMES AND INDEPENDENT HOSPITALS**

**Summary**

1. This letter is to inform you that new members have been appointed to the Consultative Panel replacing members who have retired. The Panel advises on registration issues relating to nursing homes and independent hospitals.

**Background**

2. Our letter of 10 January 1997 advised that we were seeking nominations for membership. We have now reached a decision on the appointees (see Annex A attached to this letter). The terms of reference and procedures are set out at Annex B.

**Action**

3. General Managers are requested to advise Nursing Home Inspection Teams, and pass copies of this MEL to registered nursing homes and future applicants for registration of the existence and purpose of the Panel and to explain the reference procedure. Reference is by mutual agreement and written application should be sent initially to the Secretary of the Panel, Mr D R McLaren, Room 245, St Andrew's House.

4. A copy of this letter has been sent to those bodies listed at Annex C who were consulted on the membership of this Panel.

Yours sincerely

KEVIN J WOODS  
Director of Strategy and Performance  
Management  
NHS in Scotland Management Executive

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**Addressees**

For action:  
General Managers,  
Health Boards

For information:  
Chief Executives  
NHS Trusts  
General Manager,  
Common Services Agency

General Manager,  
State Hospitals Board for Scotland

General Manager,  
Health Education Board for  
Scotland

Executive Director,  
SCPMDE

**Enquiries to:**

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Management Executive  
Policy and Performance Management  
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COMMON SERVICES AGENCY  
1997  
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**CONSULTATIVE PANEL ON THE REGISTRATION OF NURSING HOMES AND INDEPENDENT HOSPITALS**

**MEMBERSHIP**

Mr A M Macpherson	Chairman, former Grade 5 in the Scottish Office
<i>Councillor I Borthwick</i>	<i>Age Concern</i>
Mr C Davison	Managing Director, Fairburn House Nursing Home, Muir of Ord
<i>Mrs M Deaves</i>	<i>Princess Royal Trust Highland Carers Project Advisory Group</i>
<i>Mrs M Durie</i>	<i>Director of Service Development, Ayrshire &amp; Arran Health Board</i>
<i>Mrs A Garvie</i>	<i>Head of Nursing Home Registration &amp; Inspection, Greater Glasgow Health Board</i>
Dr P C Gautam	Consultant Physician, Woodend Hospital, Aberdeen
<i>Mr P Gibbons</i>	<i>Director of Nursing, Argyll &amp; Clyde Health Board</i>
Mr W Gent	Director, Learning Disability Services, Central Scotland Healthcare NHS Trust
Dr J Godfrey	Consultant Physician, Crosshouse Hospital, Kilmarnock
Dr N D Jarvie	General Practitioner, Crieff
<i>Mr P Kelly</i>	<i>Director of Health Development and Commissioning, Dumfries &amp; Galloway Communities NHS Trust</i>
<i>Mr T Lynch</i>	<i>Professional Nursing Adviser, Lanarkshire Health Board</i>
Mr A MacDonald	Chief Administrative Pharmaceutical Officer, Dumfries and Galloway NHS Trust
<i>Dr F Marshall</i>	<i>General Practitioner</i>
<i>Mr G Melrose</i>	<i>Director of Community and Health Services, Central Scotland Healthcare</i>
Ms A Morgan	Assistant Director, Scottish Association for Mental Health, Edinburgh
<i>Ms P Small</i>	<i>Chief Nursing Adviser, Fife Health Board</i>
Mrs S South	Chairman, Inverness, Nairn and Lochaber Local Health Council
Rev T W Tait	Chairman, Tayside Health Council

## CONSULTATIVE PANEL ON THE REGISTRATION OF NURSING HOMES AND INDEPENDENT HOSPITALS

### TERMS OF REFERENCE

1. The Terms of Reference of the Panel are:-

“To consider and advise on problems or difficulties arising between the Health Board and the proprietor, or prospective proprietor, concerning the registration or proposed cancellation of registration of any nursing home or independent hospital which requires to be registered under the Nursing Homes Registration (Scotland) Act 1938.”

#### Procedure

2. It will be the responsibility of Health Boards to advise existing proprietors and future applicants for registration of the existence and purpose of the Panel and to explain the reference procedure.

3. Reference to the Panel should be mutually agreed but where it has not proved possible to resolve a dispute bilaterally, a Health Board will be expected to accede to a request by the proprietor of a home for reference to the Panel, except in those cases where the Health Board decide that in the interests of patients' welfare, the procedures for cancellation of registration must be instigated immediately.

4. References will require to be given in writing, providing concise details of the dispute, and will be sent to the Secretary of the Panel and the other party and should only be made prior to the Health Board making an order refusing registration or cancelling registration under the 1938 Act. The existence of the Panel is not seen in any way as affecting the rights and powers of Health Boards under the 1938 Act or the right of appeal of a proprietor to the Sheriff.

5. No fees will be charged for referring a matter to the Panel.

### MEMBERSHIP

6. The Panel consists of around 20 members from whom the Chairman will select the membership of individual Panels to consider specific cases. Individual Panels will comprise of 7 members (with a quorum of 5 members). These will be the Chairman, a Health Board representative from outwith the Board involved in the dispute, a representative from an appropriate independent sector representative body, a lay/user representative and 3 other appropriate “expert” representatives depending on the nature of the dispute eg, a nurse, general practitioner etc.

## **PROCEDURE FOR SETTING UP PANEL**

7. When a referral is received by the Secretary of the Panel, the Chairman will examine the papers and will decide how the case should be handled. The Chairman will decide upon the composition of the Panel for the particular case, having regard to the nature of the referral. A hearing will be established within 40 days of a referral and intimation of a hearing will be given to the Health Board and the private nursing home or independent hospital 30 days before the hearing. In some cases the Panel may feel that it may need to visit the nursing home or hospital concerned. Where a visit to a home is required, the "host" Board will be asked to provide accommodation in which the hearing will be held. This would enable the visit to be made in the morning and the Panel to sit in the afternoon. The nursing home will also be informed where the Panel wishes to visit the premises.

## **ADVICE**

8. The advice of the Panel will be conveyed by the Chairman in writing to the parties involved. The Panel's advice will be disseminated to other Health Boards and nursing home organisations provided both parties agree. As the Panel is not a statutory body, its advice is not legally binding on either party but both parties will be expected to adhere to the advice and seek to resolve their difficulties in the light of it.

**CONSULTATIVE PANEL ON THE REGISTRATION OF NURSING HOMES AND  
INDEPENDENT HOSPITALS**

Age Concern Scotland  
Alzheimer's Scotland  
Association of Directors of Social Work  
Association of Scottish Local Health Councils  
Ayrshire Nursing Home Federation  
British Association of Social Workers  
British Federation of Care Home Proprietors  
British Geriatric Society Scottish Branch  
British United Provident Association  
Church of Scotland Committee of Social Responsibility  
ENABLE  
Hospital Manager, The Glasgow Nuffield Hospital  
Health and Safety Executive  
Independent Healthcare Association  
Mental Welfare Commission  
National Board for Nursing, Midwifery and Health Visiting in Scotland  
Psychiatric Nurses Association of Scotland  
Registered Nursing Home Association - Scottish Branch  
Royal College of General Practitioners - Scottish Branch  
Royal College of Midwives  
Royal College of Psychiatrists - Scottish Division  
Royal Pharmaceutical Society of Great Britain (Scottish Department)  
Scotcare Group Ltd  
Scottish Association of Care Home Owners  
Scottish Association for Mental Health  
Scottish Branch of the British Geriatric Society  
Scottish Committee of the Council on Tribunals  
Scottish Consumer Council  
Scottish Council of Social Services  
Scottish Courts Administration  
Scottish General Medical Services Committee  
Scottish Health Advisory Service  
Scottish Partnership Agency  
Chairman and Members of the Consultative Panel on the Registration of Nursing Homes and  
Independent Hospitals