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NHS MEL(1997)58

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.

Your sincerely

KEVIN J WOODS

Director of Strategy and Performance

Management

NHS in Scotland Management Executive

COTTISH HEAL COMMON SERVI	TH SERVICE CES AGENCY
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Date	Price

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

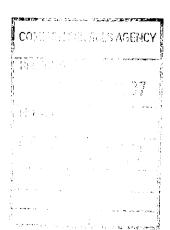
General Manager, Health Education Board for Scotland

Executive Director, SCPMDE

Enquiries to:

David McLaren
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St Andrew's House
EDINBURGH EH1 3DG

Tel: 0131-244 2803 Fax: 0131-244 2970



CONSULTATIVE PANEL ON THE REGISTRATION OF NURSING HOMES AND INDEPENDENT HOSPITALS

MEMBERSHIP

Mr A M Macpherson

Chairman, former Grade 5 in the Scottish Office

Councillor I Borthwick

Age Concern

Mr C Davison

Managing Director, Fairburn House Nursing Home, Muir of Ord

Mrs M Deaves

Princess Royal Trust Highland Carers Project Advisory Group

Mrs M Durie

Director of Service Development, Ayrshire & Arran Health Board

Mrs A Garvie

Head of Nursing Home Registration & Inspection, Greater Glasgow Health Board

Dr P C Gautam

Consultant Physician, Woodend Hospital, Aberdeen

Mr P Gibbons

Director of Nursing, Argyll & Clyde Health Board

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

Mr P Kelly

Director of Health Development and Commissioning, Dumfries & Galloway

Communities NHS Trust

Mr T Lynch

Professional Nursing Adviser, Lanarkshire Health Board

Mr A MacDonald

Chief Administrative Pharmaceutical Officer, Dumfries and Galloway NHS Trust

Dr F Marshall

General Practitioner

Mr G Melrose

Director of Community and Health Services, Central Scotland Healthcare

Ms A Morgan

Assistant Director, Scottish Association for Mental Health, Edinburgh

Ms P Small

Chief Nursing Adviser, Fife Health Board

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.

CMA06212 1.

PROCEDURE FOR SETTING UP PANEL

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.

CMA06212 2.

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