



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. The Panel advises on registration issues relating to nursing homes and independent hospitals.

**Background**

2. Our letter of 26 May 1998 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 Mr P Harley, Room 264, 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 & Performance  
Management  
NHS in Scotland Management Executive

23rd November 1998

**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:**

Phil Harley  
NHS Management Executive  
Health Care Policy Division  
Room 264  
St Andrew's House  
EDINBURGH EH1 3DG

Tel: 0131-244 2426  
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   |
| 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                |
| Mr P Gibbons           | Director of Housing, Argyll & Clyde Health Board  |
| Mr W Gent              | Director, Learning Disability Services, Central Scotland Healthcare NHS Trust               |
| 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                                      |
| Dr F Marshall          | General Practitioner  |
| Mr G Melrose           | Director of Community and Health Services, Central Scotland Healthcare                      |
| Ms P Small             | Chief Nursing Adviser, Fife Health Board  |
| Mr L Byrne             | Vice-Chairman, Borders Health Council   |
| Mrs A Champion         | RGN Proprietor/Nursing Officer, Belleville Lodge Nursing Home                               |
| Mr G Masterton         | Chief Executive, Albyn Hospital   |
| Dr A Capewell          | Consultant Physician, Royal Victoria Hospital Directorate                                   |
| Dr S Grant             | Director, Scottish Health Advisory Service  |

|                 |  |
|-----------------|--|
| Mr P Connelly   | Clinical Director for Mental Health, Perth & Kinross Healthcare<br>NHS Trust |
| Dr J Rodgers    | Consultant in Palliative Medicine, Borders General Hospital                  |
| Ms G Sutherland | Regional Manager (Scotland) Strachan House                                   |
| Mrs J Buchanan  | Deputy Director of Social Work for the Church of Scotland                    |

**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 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.

## ANNEX C

Health Board General Managers  
Chief Executives, NHS Trusts  
Age Concern, Scotland  
Alzheimer's Scotland  
Association of Chartered Physiotherapists  
Association of Directors of Social Work  
Bon Secours Hospital, Glasgow  
British Association of Social Workers  
British Federation of Care Home Proprietors  
British Geriatric Society  
British Medical Association  
British United Provident Association  
Care in the Community Scottish Working Group  
Carers National Association Scotland  
Children's Hospice Association Scotland  
Church of Scotland Committee for Social Responsibility  
Committee of User Representatives  
Community District Nursing Association  
Community Mental Handicap Nurses' Association  
Community Psychiatric Nurses' Association  
Convention of Scottish Local Authorities  
Dementia Services Development Centre  
Disability Scotland  
District Nurses' Association  
ENABLE  
Glasgow Nuffield Hospital  
Independent Federation of Nursing  
Independent Healthcare Association  
Lanarkshire Nursing Homes Association  
Law Society of Scotland  
Local Health Councils  
Mental Welfare Commission  
National Board for Nursing, Midwifery and Health Visiting for Scotland  
National Schizophrenia Fellowship  
Nuffield Hospitals  
Penumbra  
Proprietors' Group of Nursing Homes in the Borders  
Practice Nurse Association  
Psychiatric Nurses' Association  
Registered Nursing Homes' Association  
Royal College of General Practitioners  
Royal College of Midwives  
Royal College of Nursing  
Royal College of Physicians  
Royal College of Physicians and Surgeons of Glasgow  
Royal College of Surgeons in Edinburgh  
Royal College of Psychiatrists  
Scottish Association of Care Home Owners  
Scottish Association of Health Councils  
Scottish Association for Mental Health  
Scottish Consumer Council  
Scottish Council for Civil Liberties  
Scottish Council for Voluntary Organisations  
Scottish Council of Social Service  
Scottish Courts Administration  
Scottish General Medical Services Committee  
Scottish Health Advisory Service  
Scottish Health Service Central Legal Office  
Scottish Health Visitors' Association  
Scottish Homes  
Scottish Independent Acute Sector Management Group  
Scottish Partnership Agency  
Scottish Society for the Mentally Handicapped  
Scottish Users' Network  
Takare Nursing Homes Ltd  
United Kingdom Central Council  
UNISON  
Westminster Health Care Ltd