

Dear Colleagues and Stakeholders,

DEATH CERTIFICATION: SECONDARY LEGISLATION - MEDICAL REVIEWER

RESPOND BY DATE: 7 MAY 2013

1. Context and Timescales

You will be aware that work is underway to ensure that the majority of the provisions within the new Certificate of Death (Scotland) Act 2011 come into force by April 2014. This will allow the full national implementation of a new death certification scrutiny process. The new scrutiny process will be undertaken by a group of Medical Reviewers (MRs) employed by Healthcare Improvement Scotland (HIS) and led by a new national Senior Medical Reviewer (SMR).

Following a consultation on the qualifications, training and experience required for the post of SMR, we now wish to seek views on the qualifications, training and experience required for the post of MR. As set down in the 2011 Act Ministers have powers to make regulations under the act to set out the qualification etc requirements for these posts – although we are not required to make such Regulations if we do not wish to do so. We are keen to ensure HIS are able to recruit MRs ahead of the launch of the new system to ensure the service is fully developed and the MRs trained on the new system.

The outcome of this consultation will help shape our views on whether or not a Scottish Statutory Instrument (Regulations) is required and, if so, what should be included in Regulations. We would aim to lay such Regulations in Parliament intime for a coming in force date before the summer.

We propose to conduct this consultation along the same lines as the previous consultation on SMR qualifications etc. The consultation will operate as a two iterations only exercise. **All responses to this first iteration must reach us by 7 May 2013.**

Once the views have been collated and considered, a second iteration will then be issued for final views, with a projected one week response deadline.

At that point, Scottish Government policy official and solicitors will work together to determine the need for Regulations and, if required, to develop the specific wording of the SSI. In the event that any detailed points of information require to be queried further, we will contact the relevant individuals for this purpose.

2. The Role of the Medical Reviewer

The Medical Reviewer will provide support to Healthcare Improvement Scotland in the development and ongoing delivery of a single system for independent, effective scrutiny of death certification leading to disposal (outwith the Procurator Fiscal service), reporting directly to the SMR.

The current envisaged role of the MR will include:

- Deliver the aims of the Certification of Death (Scotland) Act 2011:
 - Improve the quality and accuracy of the Medical Certificate of Cause of Death (MCCD); and
 - Provide improved public health information and strengthened clinical governance in relation to deaths
- Engage and develop effective relationships with key stakeholders, such as doctors, clinical governance leads and bereavement services in Health Boards, Deaneries and NES, NRS, Crown Office and Procurator Fiscal Service (COPFS), faith groups, funeral directors, registrars, the bereaved as appropriate, etc.
- Provide advice, guidance and support to certifying doctors and registrars in relation to MCCDs
- Involve the SMR in issues which may be challenging
- Work with other MRs, supporting each other to reduce variability and delivering a consistently high quality, person centred service, including peer review
- Act on the outputs and collation and analyses of information contained in the MCCDs.
- Uphold, safeguard and promote the organisation's culture, values and reputation

3. The Certification of Death (Scotland) Act 2011

You can access the Act in full on line on the legislation.gov website via the following link: <http://www.legislation.gov.uk/asp/2011/11/contents>

The Act sets out, in Schedule 1, some general requirements for the Medical Reviewer. These are:

'A person appointed as a medical reviewer or the senior medical reviewer must –
(a) be a medical practitioner
(b) have been so throughout the 5 years prior to appointment; and

(c) have other such qualifications, training and experience as may be specified by Regulations'

For the avoidance of doubt it should be noted that the phrase 'medical practitioner' will be clarified to ensure the MRs are GMC registered with a license to practise in the UK.

The purpose of this consultation is to seek your views on what qualifications, training and experience MRs should have. When considering what these qualification, training and experience requirements might be, it might be useful to keep the following considerations in mind.

4. Considerations

Level of Detail

You may wish to consider whether there is any need for prescriptive content and wording within the legislation. Our current view is that there is no need to be overly prescriptive, most obviously for the reason that named qualifications and training courses can change over time. It would therefore seem most appropriate to avoid specific detail for reasons of flexibility and 'future proofing'.

Also, the legislative intent is to help guide HIS now and in the future through the provision of key statutory areas on which to focus, and not to pre-empt their existing and rigorous recruitment and employment requirements.

An example of a non prescriptive approach would be to have a straightforward statement eg 'have qualifications, training and experience at a senior level across the areas of leadership, clinical practice, management and communications'. This approach ensures any agreed key areas would require to be captured within the detailed recruitment, appraisal and revalidation arrangements for the Medical Reviewer role.

Years of Experience

Another point to consider is the minimum five years full time (or pro rata part time) continuous medical practitioner experience set out in the Act. You may wish to consider whether there should be any additional requirements for the role of Medical Reviewer.

The Scottish Government current view is that the existing 5 years requirement is sufficient as it stands, and that including additional detail on the hours worked may conflict with equalities requirements and considerations. HIS is not precluded from setting any other additional requirements necessary to undertake the MR role.

Qualifications, Training and Experience Gained Outwith the UK

A further consideration would be not to inadvertently disadvantage any potential candidate who may be licensed to practice in the UK but who gained all or some of their qualifications, training and experience outside Scotland or the UK. A reference to 'equivalency' may be all that is required in this instance, but again your views on this would be welcomed.

The Qualifications, Training and Experience Requirements for Senior Medical Reviewers

A similar legislative exercise has been conducted for the Senior Medical Reviewer and we consulted on the qualifications, training and experience requirements for that role. The

consultation responses we have received indicated a preference that the approach to the SMR's qualifications, training and experience requirements would be equally applicable to the role of the Medical Reviewer. We would therefore attempt to be consistent in our handling of the MR role, wherever possible.

5. Key Questions

We are happy to accept general comments and views, but you may also wish to consider responding to the following key questions in line with the text above:

- a. Would the long term role of Medical Reviewer be best served by a general or a prescriptive approach to required qualifications, training and experience?
- b. If a general approach is preferred, what key areas would you want to see included (our example suggested senior level leadership, clinical practice, management and communications)?
- c. What specific qualification requirements, if any, should be included and why?
- d. What specific training requirements, if any, should be included and why?
- e. What specific experience requirements, if any, should be included and why?
- f. What other specific requirements, if any, should be included and why?

6. Your Responses

It would be helpful if you could ensure that your response is returned by e-mail to Scottish Government policy officer Sarah Dillon at: sarah.dillon@scotland.gsi.gov.uk by 7 May 2013.

We also need to know whether you are happy for your response to be made public, in the event of any publication of responses. If you ask for your response not to be published we will regard it as confidential and treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Thank you in advance for your views on this exercise,

Yours sincerely,

Alison Kerr