



15 Morningside Road
Edinburgh EH10 4DP
SCOTLAND, UK

Date: 9 June 2008 – The Scottish Government – Public Health and Wellbeing Directorate

Public Health etc. (Scotland) Act – Designation of Competent Persons Regulations 2008 (Draft)

Consultation response on behalf of the Scottish Council on Human Bioethics:

The **Scottish Council on Human Bioethics** (SCHB) is an independent, non-partisan, non-religious registered Scottish charity composed of doctors, lawyers, biomedical scientists, ethicists and other professionals from disciplines associated with medical ethics.

The principles to which the Scottish Council on Human Bioethics subscribe are set out in the **United Nations Universal Declaration of Human Rights** which was adopted and proclaimed by the UN General Assembly by resolution 217A (III) on 10 December 1948.

The SCHB is very grateful to the Health Directorate of the Scottish Government for this opportunity to respond to the consultation on the **Designation of Competent Persons Regulations 2008 (Draft)**. It welcomes the Directorate's intent to promote public consultation, understanding and discussion on this topic.

Questionnaire on Draft Regulations

1. **Are you content that the qualifications, training and experience outlined in the draft regulations are sufficient for the competent persons to be able to carry out the functions set out in the Public health etc. (Scotland) Bill?**

Health Board competent person: Yes
Local authority competent person: Yes

2. **Are you content that the competent persons will be regulated by professional regulatory bodies as well as by health boards and local authorities?**

Yes

3. **Given that the regulations, as currently drafted, will allow individuals to be identified as competent persons in more than one health board or local authority, do you believe your health board or local authority will be able to designate an appropriate number of competent persons?**

Not applicable

4. **Are there other professionals you consider would be appropriate to undertake the role of the competent persons, and what qualifications do they have?**

5. **The draft regulations provide that health boards and local authorities must maintain lists of competent persons. We envisage that these will be signed off at Board or Chief Executive level, and that this would be contained in guidance. Are you content that this process provides sufficient accountability at a local level for designation of competent persons?**

Yes

RESPONDENT INFORMATION FORM

Protecting Vulnerable Adults – Securing their Safety

Third consultation paper on the protection of vulnerable adults and related matters

Please complete the details below and return it with your response. This will help ensure we handle your response appropriately. Thank you for your help.

Name: **Scottish Council on Human Bioethics**

Postal Address: **15 Morningside Road, Edinburgh EH10 4DP**

1. Are you responding: (please tick one box)

~~(a) as an individual~~

go to Q2a/b and then Q4

(b) on behalf of a group/organisation **X**

go to Q3 and then Q4

INDIVIDUALS

2a. Do you agree to your response being made available to the public (in Scottish Executive library and/or on the Scottish Executive website)?

Yes (go to 2b below)

No, not at all

We will treat your response as confidential

2b. Where confidentiality is not requested, we will make your response available to the public on the following basis (**please tick one** of the following boxes)

Yes, make my response, name and address all available

Yes, make my response available, but not my name or address

Yes, make my response and name available, but not my address

ON BEHALF OF GROUPS OR ORGANISATIONS:

3 The name and address of your organisation **will be** made available to the public (in the Scottish Executive library and/or on the Scottish Executive website). Are you also content for your **response** to be made available?

Yes **X**

~~No~~

We will treat your response as confidential

SHARING RESPONSES/FUTURE ENGAGEMENT

4 We will share your response internally with other Scottish Executive policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so.

Are you content for the Scottish Executive to contact you again in the future in relation to this consultation response?

Yes **X**

~~No~~