

Chrys Muirhead

Date 06/05/13  
Your Ref  
Our Ref 4482

Enquiries to Richard Mutch  
Extension 35687  
Direct Line 0131 465 5687  
Email

Dear Ms Muirhead

## FREEDOM OF INFORMATION – DECLARATION OF INTEREST

I write in response to your request for information in relation to NHS Lothian's Declaration of Interests register.

Question:-

- I am writing to you to ask for information about declarations from doctors in NHS Lothian, regarding their links with and monies received from drug (pharmaceutical) companies.

I know that NHS Circular HDL (2003) 62 makes it clear that all health boards should establish a register of interests for all NHS employees and primary care contractors. I have read in the Hole Ousia blog post, from a letter dated 6 July 2013 written by Alan Boyter, that there are no centrally held registers in NHS Lothian, apart from board members; <http://holeousia.wordpress.com/2013/11/10/nhs-lothian-register-of-interests/>

I would like to know if the position has changed in NHS Lothian in the 9 months since. Recently there have been a number of media articles and TV programmes highlighting the payment of doctors by pharma and the conflicts of interests that arise. I want to know if NHS Lothian are now complying with HDL 2003 62 and with the NHS Circular MEL (1994) 48 Standards of Business Conduct For NHS Staff. This 20 year old standard mentions staff declaring "relevant interests". A prescribing doctor linked to a drug company by way of payment I contend has to be transparent. For after all drug companies are about creating customers not cures.

Answer:-

I must advise that information in relation to NHS Lothian's Register of Interest for Board Members and the Gift and Hospitality Register is available via the following link:-

<http://www.nhslothian.scot.nhs.uk/OurOrganisation/BoardCommittees/LothianNHSBoard/BoardMembers/Pages/default.aspx>

There are no other centrally held registers available within NHS Lothian and any such register would not necessarily identify payments to staff. Normal practice would be to declare the interest, not the financial amount. If someone received payments through secondary employment, we would not have that information.



Ideally any transactions should be on a firm footing directly between the Board and the company. The appropriateness of the relationship should be considered before it is pursued.

With the exception of HDL (2003)62, which can be found via the following link:- <http://intranet.lothian.scot.nhs.uk/NHSLothian/Corporate/Policies/NHSLothianStandingOrdersPack/Applying%20Principles%20of%20Good%20Business%20Conduct/Guidance%20-%20HDL%20200362.pdf>), and Board Members register, we do not maintain a standing register of interests for all employees. Employees are meant to declare relevant interests as and when required, and then it will be recorded and considered accordingly within the personnel record. The position has not changed in the last nine months.

I enclose with this response a copy of the NHS Lothian Business Conduct Procedure.

We will respond to part 4 of your request separately. I hope the information provided so far helps with your request.

If you are unhappy with our response to your request, you do have the right to request us to review it. Your request should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If our decision is unchanged following a review and you remain dissatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner.

If you require a review of our decision to be carried out, please write to the FOI Reviewer at the address at the head of this letter. The review will be undertaken by a Reviewer who was not involved in the original decision-making process.

FOI responses (subject to redaction of personal information) may appear on NHS Lothian's Freedom of Information website at :- <http://www.nhslothian.scot.nhs.uk/YourRights/FOI/Pages/default.aspx>

Yours sincerely

**ALAN BOYTER**  
**Director of Human Resources**  
**and Organisational Development**  
Cc: Chief Executive  
Enc.