

## **DEPARTMENT OF HEALTH'S CONSULTATION ON PROPOSED REGULATIONS ON "DUTY OF COOPERATION"**

### **SUPPLEMENTARY COMMENTS ON "DESIGNATED BODIES"**

The Royal College of Physicians of Edinburgh has submitted detailed comments in response to the consultation on the draft Duty of Cooperation Regulations and is committed fully to the principle of requiring the employers of doctors (designated bodies) to share information about doctors in a way that supports patient safety. The College already provides substantiated information voluntarily to Medical Directors (or equivalents) of employing organisations and/or directly to the General Medical Council. The College understands that the Responsible Officer (RO) regulations apply in England, Wales and Scotland whereas the Duty of Cooperation regulations apply in England only. As an international organisation based in Scotland, the College has large number of Fellows and Members based in England and is therefore interested in both sets of regulations.

A further review of the Duty of Cooperation regulations, in anticipation of the publication of the final RO regulations, has raised some uncertainty regarding the status of the College as a "designated body". Regulation 3 (1) (a) in the Duty of Cooperation regulations refers to a number of paragraphs in Schedule 2 of the RO Regulations and which appear to be missing from the consultation version. This implies that the College may be "designated" under both sets of regulations irrespective of its status as an employer of doctors. As an independent organisation accountable to the Privy Council, it is important that any responsibility required by Parliament is fully understood by our Council, particularly if future regulations also refer back to the original inclusion within the RO regulations. Our Fellows and Members would welcome clarity on whether the College is to be designated automatically under either set of regulations, or if this designation is to be restricted to when/if we employ or contract with doctors.

**All College responses are published on the College website [www.rcpe.ac.uk](http://www.rcpe.ac.uk).**

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