



# Faculty of Public Health

Of the Royal Colleges of Physicians of the United Kingdom

Working to improve the public's health

## Guidance on the appointment of Directors and Consultants in Public Health in Scotland

### Introduction

This document provides NHS Boards with updated guidance on the appointment of Public Health specialists to the posts of Consultant in Public Health/ Public Health Medicine/ Health Protection and Director of Public Health posts in Scotland.

The appointment of NHS consultants and directors of public health in Scotland is subject to The National Health Service (Appointment of Consultants) (Scotland) Regulations 2009.

This guidance document also signposts appropriate reference resources for the construction of job descriptions and person specifications for Consultants and Directors of Public Health in Scotland, and offers some advice on the issues that may be encountered in developing a job description for a post in the various settings where Consultants and Directors are commonly employed in Scotland.

### Background

This guidance takes account of:

- The consolidation of public health legislation in relation to health protection and associated matters in the Public Health etc.(Scotland) Act 2008;
- The National Health Service (Appointment of Consultants) (Scotland) Regulations 2009 (CEL 25(2009));
- The move towards UK-wide statutory regulation of public health specialists currently subject to regulation by the UK Public Health Register; and
- The potential for future joint appointments of Directors of Public Health by NHS Boards and Local Authorities as a result of integration.
- The responsibilities and structure of the public health function in Scotland out of routine working hours, during large scale public health emergencies, both for the emergency response and business continuity.

### The appointment of Consultants in Public Health / Public Health Medicine / Health Protection

The appointment of NHS consultants in Scotland is subject to The National Health Service (Appointment of Consultants) (Scotland) Regulations 2009.

To ensure adequate quality control in the consultant appointment process across the four UK, countries, the UK Faculty of Public Health have recommended that these regulations are also used for the appointment of public health specialists from disciplines other than medicine and dentistry to Scottish public health consultant posts. The UK Faculty of Public Health recommendations have been collectively accepted by the Scottish Directors in Public Health.

It is therefore advisable for all employers to use these same regulations for the appointment of all consultant posts in public health in Scotland – whether the post is medical, dental, or open to all specialists in public health regardless of professional discipline.

It should be noted that:

- a) In most circumstances use of the Consultant in Public Health (Scotland) job description template posted on the UK FPH website will guide employers to produce a job description that is appropriate in scope and seniority for a public health consultant post. Assistance with interpretation of this guidance can be provided by an External Adviser appointed through the Scottish Academy of Medical Royal Colleges;
- b) Specific terms and conditions of service already apply to consultant appointments in medicine and dentistry;
- c) Where a Consultant is appointed from a professional discipline other than medicine or dentistry, the appointment should be made under the Agenda for Change arrangements using the FPH Consultant in Public Health (Scotland) job description template as a basis for job evaluation. The agreed UK grading for such posts is at Agenda for Change band 8d or 9;
- d) The criteria for Consultants to be appointed as an NHS Health Board “Competent Person” for the purposes of the Public Health etc. (Scotland) Act 2008 are set out in the appropriate regulations. Employers should ensure that appointees to public health consultant posts in Scotland have documented evidence of current (or past)<sup>1</sup> competence at the level required by the legislative guidance;
- e) Individuals who are to be appointed to a Consultant in Public Health / Public Health Medicine / Health Protection must be registered as a specialist with, and regulated by, the General Medical Council or the General Dental Council, or the UKPHR;
- f) The Faculty of Public Health (FPH) advises that applicants who are Specialty Registrars in public health, but not yet on the GMC, GDC or UKPHR Specialist Register, must provide suitable signed documentary evidence to confirm that they are within six months (i.e. six months beforehand) of being included on the GMC Specialist Register at the date of interview. The documentary evidence should be:

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<sup>1</sup> Where past evidence of competence is presented, the employer must ensure that this competence can be refreshed and updated if the individual will be required to undertake the duties of a Competent Person ” for the purposes of the Public Health etc. (Scotland) Act 2008 in the course of their work.

- a. either a RITA Form G/ARCP 6 (Final Record of Satisfactory Progress)
  - b. or a letter from the postgraduate dean (or Faculty Adviser) specifying the date for completion of training AND a letter from FPH confirming that the applicant has fully passed the Part B MFPH examination
- g) NHS (and other) employers should ensure that the final consultant job description is agreed, before advertisement, with the External Adviser appointed by the Academy of Scottish Medical Colleges.

### **The appointment of Directors of Public Health (DPH) in Scotland**

The appointment of Directors of Public Health in Scotland is also subject to The National Health Service (Appointment of Consultants) (Scotland) Regulations 2009.

It should be noted that:

- a) The fundamental duties of a DPH are set out in statute. There are also aspects of the role which are not statutory and yet define it more fully than the legislation can. For example a DPH should be the person to whom NHS Board members, both executive and non-executive, elected members of Local Authorities, and all stakeholders within Community Planning Partnerships, together with their senior officers, look to for public health leadership, expertise and advice on a range of issues including:
  - the prevention and management of outbreaks of disease;
  - improving local people's health and reducing the causes and consequences of health inequality;
  - improving the quality and efficiency of health and health care services, and
  - health monitoring and reporting, assessment of health needs for defined populations:
- b) In most circumstances use of the Director of Public Health (Scotland) job description template posted on the UK FPH website will guide employers to produce a job description that is appropriate in scope and seniority for a director of public health post. Assistance with interpretation of this guidance can be provided by an External Adviser appointed through the Scottish Academy of Medical Royal Colleges;
- c) Specific terms and conditions of service already apply to Director of Public Health appointments in medicine and dentistry as consultant posts;
- d) Where a Director of Public Health is appointed from a professional discipline other than medicine or dentistry, the appointment should be made under the Agenda for Change arrangements using the FPH Director of Public Health (Scotland) job description template can be used as a basis for job evaluation. The agreed UK grading for such posts is at Agenda for Change band 8d or 9;

- e) The criteria for Directors of Public Health to be appointed as an NHS Health Board “Competent Person” for the purposes of the Public Health etc. (Scotland) Act 2008 are set out in the appropriate regulations. Employers should ensure that appointees to Director of Public Health posts in Scotland have documented evidence of current (or past) competence at the level required by the legislative guidance<sup>2</sup>;
- f) Individuals who are to be appointed Director of Public Health must be registered as a specialist with, and regulated by, the General Medical Council or the General Dental Council, or the UKPHR.
- g) Employing authorities will wish to ensure that any applicant’s areas of competence cover **all** the three domains of public health (i.e. health protection, health improvement and promoting and maintaining effective health services), and meet those required in the person specification. In this regard the Academy of Royal Medical Colleges’ External Adviser to the AAC can provide advice on the suitability of any candidate as part of the recruitment process (see below).
- h) Where a Director of Public Health is to be appointed to a territorial NHS Board, the employer should recognise that consultant level competence in health protection, and evidenced possession of the necessary skills, knowledge and experience to be designated as a Competent Person under the 2008 Public Health Act, should be essential selection criteria. This will enable the DPH to fulfil statutory requirements, to provide credible support to health protection colleagues (including dealing with the media, chairing STACs and leading a Resilience Forum in a health emergency), and to take part in the out of hours health protection rota where operationally required.
- i) Where a Director of Public Health post is to be appointed on a joint basis between an NHS Board and its Local Authority partner(s), it is expected that all agencies will make effective use of the recently updated Joint Appointment Guidance issued by the Scottish Government to NHS organisations and Local Authorities. These require that the job description that includes the full range of Director of Public Health functions across the domains of public health: health improvement; health protection; and promoting and maintaining quality and effective health services; underpinned by health intelligence. In addition to these essential requirements, a DPH job description could include further specialist public health leadership requirements associated with the specific post.
- j) NHS (and other) employers can seek guidance on developing the Director of Public Health job description from the External Adviser appointed by the Scottish Academy of Medical Royal Colleges.
- k) NHS (and other) employers should ensure that the final Director of Public Health job description is agreed, before advertisement with the External Adviser appointed by the Academy of Scottish Medical Colleges.

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<sup>2</sup> Where past evidence of competence is presented, the employer must ensure that this competence can be refreshed and updated if the individual will be required to undertake the duties of a Competent Person ” for the purposes of the Public Health etc. (Scotland) Act 2008 in the course of their work.

## **Appointments Advisory Committees for Public Health Consultant and DPH posts in Scotland**

The regulations set out the appropriate composition of an AAC for a consultant appointment. Employers should ensure that the appointing panel is adequately equipped to ensure the competence and suitability for the post of any successful candidate.

The External Adviser appointed by the Scottish Academy of Medical Royal Colleges must be a member of the AAC for all consultant and DPH appointments.

For Director of Public Health appointments, in addition to the requirements set out in the regulations for the proper composition and running of an AAC for a consultant post, it is expected that an AAC will be chaired by the Chair of the NHS Board or their non-executive Board member nominee. It should also normally include:

- The NHS Board Chief Executive (or nominee);
- Local Authority elected members or nominated senior officials;
- Senior NHS representation e.g. the Board Medical Director ;
- Senior Public Health representation, e.g. a public health consultant or DPH; and
- Senior Academic Public Health representation (where appropriate)

## **Ensuring continuing competence of Consultant and Director of Public Health appointees**

Existing NHS Board arrangements for the revalidation of public health consultants also apply to Directors of Public Health. To assure themselves of the continuing competence of an appointed consultant or DPH, the NHS Board (and any partner employing authorities) should ensure that the appointee:

- Undertakes a programme of continuing professional development (CPD) that meets the requirements of the Faculty of Public Health or an equivalent accredited professional body for the purposes of CPD; and
- Undertakes appropriate annual professional appraisal in order to ensure revalidation and fitness to practise.

## **On call/ out of hours and resilience health protection duties**

In most territorial NHS Boards, it is a reasonable expectation that all consultants and Directors of Public Health will participate in health protection duties on call / out of hours, and in public health resilience duties. This is recommended to ensure an adequate level of the public health workforce can be mobilised in the event of a major public health emergency.

## **Version 1.0**