



The Scottish Parliament  
Pàrlamaid na h-Alba

Jeane Freeman MSP  
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Via email only

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Dear Cabinet Secretary

**Scottish Public Services Ombudsman (SPSO) (Healthcare Whistleblowing) Order 2019 – Proposed Regulations**

Thank you for the response on behalf of the Scottish Government to the Health and Sport Committee's report: *Scottish Public Services Ombudsman (SPSO) (Healthcare Whistleblowing) Order 2019 – Proposed Regulations* that was published on 25 June 2019.

The committee welcome and are pleased that the definition of whistleblowing is to be included in the Order. We are also content with your response around the information sharing provisions set out in the Order and the inclusion of social work whistleblowing complaints under the purview of the INWO.

I note your comments on the scrutiny of the Order by the Parliament and welcome the clarity the provision of a laying date brings. The approach to scrutiny is of course a matter for the Parliament to determine and it might assist if I indicate that this is not delineated in the manner you suggest. Although it is normally the case the DPLR committee will report before the lead committee, the length of the period of consideration was determined by Parliament to allow sufficient time for scrutiny to take place. In this instance, given the role of the Standards, it is essential this committee has sight of the proposed draft throughout the scrutiny period. Perhaps the appropriate draft could be provided when the order is laid.

I note that you do not respond on our recommendation, at paragraph eight, that the Scottish Government make representation to the UK Government to include MSPs as "prescribed persons" in line with MPs. Without such provision, a person making a disclosure to an MSP is not considered to be making a qualifying disclosure and is not

protected under the Order. It would be helpful if you could confirm any progress in this matter which might impact on the advice SPCB has previously provided to members.

I would be grateful for a response on both extant issues by Friday 20 September 2019.

Yours sincerely



Lewis Macdonald  
Convener  
Health and Sport Committee