

Lead Forensic Medical Examiner

**Custody Healthcare & Scottish Sexual Assault &
Rape Service**

MENTAL HEALTH

Information Pack

MS15045024

**APPOINTMENT OF LEAD FORENSIC MEDICAL EXAMINER
INFORMATION PACK**

- | | |
|------------------|-----------------------------|
| Section 1 | Welcome |
| Section 2 | Advert |
| Section 3 | Job Information |
| Section 4 | Person Specification |
| Section 5 | Job Plan |
| Section 6 | Terms and Conditions |

Section 1 – Welcome

Introduction

Thank you for your interest in joining NHS Highland. This information package contains details relating to the local area, this post and the Terms and Conditions of Service.

NHS Highland is committed to becoming a learning organisation, recognising that staff require access to opportunities to learn, maintain and develop skills and knowledge, and we recognise the importance of valuing and supporting our staff throughout their time here.

We offer:

- Policies to help balance commitments at work and home and flexible family friendly working arrangements
- Excellent training and development opportunities.
- On-site library services at the Centre for Health Sciences
- Access to NHS staff benefits/staff discounts
- Cycle to Work Scheme
- Excellent student support
- Access to NHS Pension scheme

Recruitment Process

Applicants are expected to make contact with the department before applying and we would **strongly** encourage those that are shortlisted to ensure they have spoken to the informal contacts and other relevant senior colleagues. You can ask for a Teams meeting to be set up through the department contact.

Due to the current travel restrictions in place all interviews will be held via Microsoft Teams.

Department Contact:

Suzy Calder – Head of Service – suzy.calder@nhs.scot
01463 705077

How to Apply:

Completed applications must be submitted via our website: <https://apply.jobs.scot.nhs.uk/>

- All candidates and employees are afforded equal opportunities in the recruitment and selection process and in employment irrespective of their age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
- Your personal information will not be sent with the application for shortlisting. The application form will be identified by the candidate number only to ensure that no applicant will be unfairly discriminated against.

Job reference: MS15045024

Closing Date: Wednesday 3rd March 2021

Section 2 – Advert

**Lead Forensic Medical Examiner
Mental Health
NHS Highland
MS15045024
Full-Time
Permanent
Salary: £81,229 - £91,564 per annum**

NHS Highland seeks to develop the Forensic Medical Examiner Service. The post holder will provide clinical leadership to the forensic medical examiner team and will support the continued development of the service. The post holder will also conduct in hours forensic medical examinations.

We are looking for an individual with excellent leadership skills; experience of collaborative working across agencies and services; and the ability to develop processes and procedures. Direct experience of delivering forensic and custody healthcare would be an advantage. The post holder will be responsible for developing a learning and development framework for Forensic Medical Examiners and supporting a culture of continuous improvement.

The post holder must hold full registration with a licence to practice with the GMC and have FFLM membership.

A key result area for this post is in the implementation of Healthcare Improvement Scotland Standards for Healthcare and Forensic Services for adults, children and young people who have experienced rape and sexual assault, therefore, a specific commitment to improve the service for people affected by sexual violence is essential.

In conducting the forensic medical examinations, the post holder will work as part of a multi-disciplinary team and in partnership with our Police Scotland colleagues. The post holder will be based in Inverness, but will be required to support service development and occasional service delivery across our other custody and forensic sites in Wick, Skye and Fort William.

Work is covered by CNORIS and the service is supported by appropriately trained nurses.

The post holder's remit will be pan Highland, with the majority of the work load and base in Inverness.

Informal enquiries to: Suzy Calder, Head of Service Drug & Alcohol Recovery, Prison & Police Custody Healthcare and SSARC on 01463 705077 or at suzy.calder@nhs.scot

A job pack for this post can be accessed at <https://apply.jobs.scot.nhs.uk/>

Closing date for applications: Wednesday 3rd March 2021

Section 3 – Job Information

1. JOB IDENTIFICATION

Job Title:	Lead Forensic Medical Examiner Permanent – Full-Time
Remuneration:	Salaried GP payscale £81229 to £91564
Reports to:	Head of Service – Custody Healthcare & SSARC
Professionally responsible to:	Medical Director
Location:	Inverness – to be negotiated with post holder
Number of Job-holders:	1
Last Update:	17/2/21
Job Reference:	MS15045024

2. JOB PURPOSE

To take a lead role in the service development and quality assurance of the custody healthcare and forensic medical examiner service. Provide direct forensic medical examiner services.

3. DIMENSIONS

NHS Highland covers an extensive geographical area from John O' Groats in the north to Campbeltown in the south. The major population centres are around the Inner Moray Firth (Inverness), Fort William, Wick/Thurso, Helensburgh and Oban with large sparsely populated areas elsewhere.

- Geographical area of 32,568 square kilometres.
- Numerous inhabited small islands.
- Total population of 309,000.
- Two Health and Social Care Partnerships.
- Secondary/Tertiary Centre – Raigmore Hospital.
- 3 Rural General Hospitals in Wick, Fort William and Oban.
- 2 Local Authorities and Community Planning Partnerships.

Governance

The service comes under the governance of the South and Mid Operational Unit of NHS Highland and operates in the North Highland region.

The Clinical Development Lead is responsible for provision of the service to the Service Manager for Custody Healthcare and Forensic Medical Examiner Service. They will also report to and have professional support and supervision from the Interim Medical Director.

Links with Other Departments

The nature of the work of the service means that there are a variety of departments within NHS Highland and Police Scotland that it is important to work in collaboration with.

4. ROLE OF THE DEPARTMENT

The Police Custody Healthcare and Forensic Medical Examiner Service:

- Provides healthcare to people who are in custody to protect and promote health
- Provides specialist examination services to certain suspects and victims of crime on behalf of Police Scotland
- Provides specialist advice and opinion to Police Scotland in relation to an individual's detention in custody and ability to be interviewed
- Supports the gathering of forensic evidence for Police Scotland for potential crimes including, rape and sexual assault, road traffic accidents, child protection

This service is delivered by nurses and doctors in partnership with Police Scotland and in line with the local partnership agreement between Police Scotland and NHS Highland.

5. KEY RESULT AREAS

Deliverables	Knowledge/Skills/Competencies
5.1 Clinical Leadership <ul style="list-style-type: none">• Provide clinical leadership to the forensic medical examiners• Be the medical lead on the implementation of the Health Improvement Scotland Standards for people who have experienced rape and sexual assault• Develop a learning and development framework for the service	<ul style="list-style-type: none">• Leadership and management experience• Professional and organisational vision• Fostering a 'team work' approach• Influencing and negotiating skills• Knowledge of best practice in the field
5.2 Service Planning <ul style="list-style-type: none">• Support the recruitment and retention of forensic medical examiners, as required• Support national, regional and local peer support/review and networks• Attend multi-service/agency meetings and represent the forensic medical examiner service at these• Manage the on call Forensic Medical Examiner rota	<ul style="list-style-type: none">• Strategic planning and analysis• Understanding of the corporate agenda• Awareness of national policy/direction• Commitment to corporate governance• Ability to work in partnership with other services/agencies
5.3 Quality Improvement/Assurance <ul style="list-style-type: none">• Develop methods to quality assure forensic medical examinations, including person centred care and trauma informed rape/sexual assault examinations• Conduct regular audit of the work of the Forensic Medical Examiner team• Follow up Police Service Reviews and	<ul style="list-style-type: none">• Quality Improvement skills• Experience of service redesign and/or project management• Data monitoring and analysis• Experience of responding to complaints/ contributing to SAERs

<p>provide reports to and agree any required improvements/changes to service with the Service Manager</p> <ul style="list-style-type: none"> Alert Service Manager in relation to identified areas of clinical risk and take steps to mitigate these 	
<p>5.4 Patient/Service User Focus</p> <ul style="list-style-type: none"> Maintain/gain skills as a forensic medical examiner Conduct forensic medical examinations Liaise with other healthcare professionals, e.g. sexual health, paediatrics, mental health 	<ul style="list-style-type: none"> Competent Forensic Medical Examiner/ willingness to become trained Ability to positively influence to improve outcomes for patients/service users Positive engagement with patients Understanding of sexual violence – causes and impacts
<p>6. ASSIGNMENT & REVIEW OF WORK</p>	
<p>The review of performance is undertaken through the agreement of performance objectives and individual performance appraisal by the Medical Director and Head of Service – Custody Healthcare & SSARC.</p> <p>Formal appraisal is undertaken on an annual cycle by the Medical Director.</p> <p>Work is developed to meet clinical/organisational objectives within national and local policy and direction. This will mostly be self-generated.</p>	
<p>7. DECISIONS AND JUDGEMENTS</p>	
<p>The post holder will be expected to make strategic and operational decisions on behalf of the service in relation to all clinical matters. They are also expected to work regional and, potentially, nationally, being recognised as a subject matter expert.</p> <p>The post holder will work in partnership with the Nurse Team Lead and colleagues within Police Scotland in both the Public Protection Unit and Custody and is expected to be take a leading role in developing collaborative plans for on-going service improvement.</p> <p>The post holder will be required to make decisions on behalf of the Forensic Medical Examiners and provide post holders with operational support and supervision.</p>	
<p>8. MOST CHALLENGING/DIFFICULT PARTS OF THE JOB</p>	
<p>Influencing staff in relation to the essential nature of the service across a range of sectors where there are limited resources and competing priorities.</p> <p>Resource management within the context of constrained finance and on-going organisational change.</p> <p>Balancing local expectations with national direction and pressure being placed on the service by Scottish Government.</p> <p>Providing effective clinical care and governance of the service.</p>	

9. COMMUNICATIONS AND RELATIONSHIPS

The post holder is expected to communicate with a wide range of staff across NHS Highland and within our partner agencies. Strong communication skills (verbal and written), tact, diplomacy, PR and influencing skills are essential. Knowledge of trauma and how this affects communication and relationships is required.

Regular communication with the following staff is required:

- Medical Director
- Head of Service – Custody Healthcare & SSARC
- Forensic Medical Examiners
- Custody Nurse Team Lead
- Custody Nurses
- Police Scotland – Public Protection Unit & Custody Staff
- Consultants in Sexual & Reproductive Health, Emergency Medicine, Obstetrics & Gynaecology
- Third Sector Service Managers
- Suspects and victims of crime

10. KNOWLEDGE, TRAINING AND EXPERIENCE REQUIRED TO DO THE JOB

- MB ChB or equivalent
- Registration on GMC
- Member FFLM
- Completion or intention of completion NES essentials in sexual offences examination course
- Knowledge and understanding of healthcare issues common in General Practice or Emergency Care
- Demonstrable interest in/experience of custody and forensic medicine
- General practice/Emergency Care/Sexual Health/other Hospital based care
- Knowledge of mental health including psychological trauma
- Leadership skills
- Quality and service improvement experience
- Presentation and report writing skills
- Excellent interpersonal skills
- Interest in and evidence of CPD
- Self-motivated and Enthusiastic
- Dependable
- Ability to work on own initiative
- Solution focused and proactive
- Ability to work effectively under pressure
- Ability to work effectively with others

11. REMUNERATION ARRANGEMENTS

Please see attached Terms and Conditions

12. NOTICE

3 months notice to leave post is required.

Section 4 – Person Specification

JOB TITLE: Clinical Lead – Forensic Medical Examiner

FACTOR	ESSENTIAL	DESIRABLE
1. ATTAINMENTS: e.g. education, qualifications, or training	<ul style="list-style-type: none"> • MB ChB or equivalent • A recognised qualification in Forensic and/or legal medicine • Member of FFLM • Registered with a license to practice with the GMC 	<ul style="list-style-type: none"> • NES essentials in sexual offences examination course • General Practice Vocational Training Certificate and registration on GMC GP Register or equivalent CCT
2. KNOWLEDGE: e.g. procedures, techniques, legislation, new technology	<ul style="list-style-type: none"> • Knowledge and understanding of healthcare issues common in General Practice or Emergency Care 	<ul style="list-style-type: none"> • Understanding of gender based violence; child protection; adult protection • Forensic examinations and sampling
3. WORK EXPERIENCE: e.g. level, knowledge acquired as a result of training/education, responsibilities	<ul style="list-style-type: none"> • General practice or Emergency Care or other Hospital based care • Leadership in own work area • Development of processes and procedures • Quality Improvement experience 	<ul style="list-style-type: none"> • Sexual Health experience • Knowledge of mental health and psychological trauma • Multi-agency/service working • Previous experience of forensic medicine
4. SKILLS: e.g. computer, supervisory, management, specialised	<ul style="list-style-type: none"> • Leadership skills • Quality and service improvement • Excellent interpersonal skills • Interest in and evidence of CPD 	<ul style="list-style-type: none"> • Evidence of multi-disciplinary team working • Computer skills • Experience of delivering presentations and providing training
5. DISPOSITION: e.g. decisiveness, stress tolerance, initiative, judgement, persistence, dependability	<ul style="list-style-type: none"> • Self-motivated and Enthusiastic • Dependable • Ability to work on own initiative • Solution focused and proactive • Ability to work effectively under pressure • Ability to work effectively with others 	
6. OTHER: e.g. health, appearance, manner, car driver, special demands of post eg to work unsocial hours//areas covered	<ul style="list-style-type: none"> • Current Driving Licence 	<ul style="list-style-type: none"> • Prior police vetting checks

Section 5 – Job Plan

Indicative Job plan

DAY	HOSPITAL/ LOCATION	TYPE OF WORK
Monday From / To 0900 – 1700	0900 – 1300	Developing standardised processes/procedures for FME service Delivering FME service as required Attending multi-agency meetings Representing Highland at regional and national meetings
	1300 – 1700	Quality Assuring FME service Job Planning CPD
Tuesday From / To 0900 – 1700	0900 – 1300	Developing standardised processes/procedures for FME service Delivering FME service as required Attending multi-agency meetings Representing Highland at regional and national meetings
	1300 – 1700	Quality Assuring FME service Job Planning CPD
Wednesday From / To 0900-1700	0900 – 1300	Developing standardised processes/procedures for FME service Delivering FME service as required Attending multi-agency meetings Representing Highland at regional and national meetings
	1300 – 1700	Quality Assuring FME service Job Planning CPD
Thursday From / To 0900 – 1700	0900 – 1300	Developing standardised processes/procedures for FME service Delivering FME service as required Attending multi-agency meetings Representing Highland at regional and national meetings
	1300 – 1700	Quality Assuring FME service Job Planning CPD
Friday From / To 0900 - 1700	0900 – 1300	Developing standardised processes/procedures for FME service Delivering FME service as required Attending multi-agency meetings Representing Highland at regional and national meetings
	1300 – 1700	Quality Assuring FME service Job Planning CPD
Saturday From / To		Can contribute to the on call Forensic Medical Examiner Rota
Sunday From / To		Can contribute to the on call Forensic Medical Examiner Rota

Section 6 – Terms and Conditions

1. **INTRODUCTION**

This section outlines the terms and conditions of employment for a Clinical Lead for the Forensic Medical Service. It is anticipated that the post holder will adopt Terms and Conditions for Salaried General Practitioners, however, successful candidates with relevant Consultant experience and CCT (e.g. in Sexual Health or Emergency Medicine), may be employed according to relevant consultant level terms and conditions, following discussion and agreement with NHS Highland's Recruitment Department and the Service Manager. The terms and conditions outlined within this document relate to Salaried General Practitioners.

Your appointment will be subject to the terms and conditions of service of Hospital & Community Medical and Dental Staff (Scotland) and the General Whitley Council conditions of service both as amended from time to time and to terms and conditions agreed locally with the BMA local negotiating committee. Copies of these may be seen at the Board's Personnel Department.

2. **REGISTRATION**

Practitioners holding medical posts must be fully registered medical practitioners with the General Medical Council.

3. **HOURS OF WORK**

- a. Full-time general practitioners will be contracted to work for 40 hours per working week.
- b. A part-time practitioner shall be remunerated on a pro rata basis to a full-time practitioner's salary

4. **ADDITIONAL SESSIONS**

NHS Highland may agree with a practitioner that he or she should undertake work, which is not specified in his or her Job Plan. Any additional agreed work shall be remunerated on a pro rata basis to a full-time practitioner's salary. Any such agreement shall be reviewed when required but at least annually.

5. **REMUNERATION AND SUPERANNUATION**

Salary

The salary for this post is £81,229 to £91,564 per annum (2020/21 rates). A part-time practitioner shall be remunerated on a pro-rata basis to a full-time practitioners salary.

Starting Salary of £81,229 if less than 2 years service,
£85,011 with more than 2 but less than 6 years service,
£87,892 with more than 6 and less than 8 years service
£91,564 with more than 8 years service.

The salary will be paid monthly in arrears by credit transfer, normally on the 27th day of each month. Annual Uplift will be in accordance with the Government's decision of the pay of general practitioners following the recommendation of the

Doctor's and Dentist's Review Body.

Superannuation - Auto Enrolment

You will automatically be enrolled in the NHS Pension Scheme from the first day of your employment. Eligible employees will no longer be allowed to opt out of the scheme prior to taking up employment. They must be enrolled in the first instance. If you wish to **opt out** you must obtain the necessary documentation from SPPA (Scottish Public Pensions Agency), either on line at www.sppa.gov.uk or by telephone on **01896 893000**. Further details of the scheme can be found at <http://www.sppa.gov.uk/nhs/home/htm>.

Practitioners members

Tier	Pensionable earnings band in 2019/2020	Contribution percentage rate in 2020/21
1	Up to £18,936	5.2%
2	£18,937 to £23,228	5.8%
3	£23,229 to £28,891	7.3%
4	£28,892 to £56,266	9.5%
5	£56,267 to £79,801	12.7%
6	£79,802 to £117,960	13.7%
7	£117,961 and above	14.7%

Pensionable earnings should be rounded down to the nearest pound.

Fees

Practitioners may not charge fees for work arising within the normal course of their duties except as set out in the Regulations.

Practitioners may not charge fees for issuing any certificates listed in the Regulations. Also provided free of charge (for initial claims and short reports or statements further to certificates, but not for work in connection with appeals and subsequent reviews) are certificates for patients claiming Income support and Sickness and Disability Benefits, including Incapacity Benefit, Statutory Sick Pay, Disability Allowance and Attendance Allowance.

6. ANNUAL LEAVE

Full-time practitioners shall be entitled to 6 weeks annual leave per annum. The leave year of practitioners shall run from the practitioners start date in employment. For part time staff leave shall be taken on a pro-rata basis.

7. PUBLIC HOLIDAYS

You are entitled to ten public holidays in each year; these are nominated by NHS Highland and for part-time staff entitlement is pro-rata.

8. STUDY LEAVE

Practitioners are entitled to professional and study leave with pay as set out in these Terms and Conditions of Service. Practitioners are entitled to 2 weeks per annum.

- a. Study leave is granted for postgraduate or continuing professional development (CPD) purposes approved by NHS Highland, and includes study (usually, but not exclusively or necessarily, on a course), research, teaching, examining or taking

examinations, visiting clinics and attending professional conferences.

- b. Practitioners are required to comply with the requirements for appraisal and revalidation as may from time to time apply

Conditions

The following condition shall apply:-

- a. where leave with pay is granted, the practitioner must not undertake any remunerative work without the special permission of the responsible employer.

9. **GENERAL**

Practitioners shall notify NHS Highland when they wish to take annual or study leave, and the granting of such leave shall be subject to approved arrangements having been made for their work to be done during their absence. Approval should not be unreasonably withheld. Locums should be employed by NHS Highland where it is not possible for other practitioners to deputise for an absent colleague.

10. **MEDICAL EXAMINATION ON APPOINTMENT**

All appointments are subject to pre-employment health screening/monitoring in accordance with NHS Highland's Policy and Procedure, or the provision of acceptable documentary evidence that there is no infective risk.

11. **CONTRACTUAL DUTIES OF PRACTITIONERS**

Salaried general practitioners will agree with the NHS Highland a Job Plan for the performance of duties under the contract of employment. In exceptional circumstances the practitioner may be required to work at any of the premises in the NHS Highland area.

The Practitioner is required to attend and participate in regular Meetings, including those relating to clinical governance issues and relevant NHS Highland Meetings.

The Practitioner is also required to participate in and operate clinical governance methods and systems approved by NHS Highland, eg medical audit or quality assurance initiatives. NHS Highland and the Practice undertake to provide access to copies of all local NHS Highland Policies and Procedures, notices or local educational meetings, and professional compendia.

The commitments set out in the Job Plan may be varied with the agreement of the practitioner and NHS Highland. The Job Plan will be subject to review each year and revisions may be proposed by either the NHS Highland or the practitioner, who shall use their best endeavours to reach agreement on any revised Job Plan. Where agreement is not reached, and the NHS Highland notifies the practitioner of its intention to amend the Job Plan, the practitioner may require the proposed amendment to be determined in accordance with the NHS Highland's dispute resolution procedures.

12. **DISCIPLINARY AND GRIEVANCE PROCEDURE**

Practitioners are subject to NHS Highland's Policy and Procedure.

Any grievance relating to their employment should be raised in the first instance with the appropriate General Manager and thereafter in accordance with NHS Highland's Grievance Procedure.

The relevant Terms and Conditions of Service for Hospital Medical and Dental Staff and Doctors in Public Health Medicine and the Community Health Service in Scotland shall apply subject to the disciplinary procedures of NHS Highland as they apply to Medical and Dental Staff or other employees.

13. **EXPENSES – GENERAL PROVISIONS**

Expenses shall be paid at the rates appropriate to all NHS practitioner employees (as per all other NHS employees).

14. **INDEMNITY**

NHS Highland takes responsibility for expenses and damages arising from medical negligence where they, as the employer, are vicariously liable for the acts and omissions of their medical and dental staff. However, the appointee is strongly advised to maintain separate medical defence or insurance cover for all work which does not fall within the scope of the Board's indemnity scheme. Details of which are given in the NHS Circular 1989(PCS) 32, which will be issued to the successful candidate.

15. **DISCLOSURE OF CRIMINAL CONVICTIONS**

Appointment to this post will be made subject to satisfactory screening by Disclosure Scotland. This post is considered to require registration with the Protecting Vulnerable Groups (PVG) Scheme as it involves substantial access to children and / or vulnerable adults. A PVG Scheme Record will contain details of all convictions on record, whether spent or unspent. This means that even minor convictions, no matter when they occurred will be included in the Scheme Record. It may also contain non conviction information held locally by the police, where this is considered relevant to the post.

Following the selection interview only the "successful" candidate will be subject to registration with the PVG Scheme. Offers of appointment will be made subject to satisfactory PVG Scheme screening and medical fitness. Please note that a commencement date will only be issued once this clearance has been received.

16. **SICK LEAVE**

The conditions of service provide for the operation of a scheme related to length of service. For all sick leave absences, you must inform the Line Manager as soon as possible on the first day of absence, or before, if possible. If an absence because of sickness continues beyond the third calendar day, a Self Certificate must be completed for the first seven consecutive days of absence and should be forwarded to the Lead Clinician. For absences of more than 7 days a Medical Certificate from a General Practitioner is required and should be forwarded at the earliest opportunity.

- A Practitioner absent from duty owing to illness, injury or other disability shall be entitled to receive an allowance in accordance with the NHS scale contained in paragraph 225 of the Terms and Conditions of Service for Hospital Medical and Dental Staff and Doctors in Public Health Medicine and the Community Health Service in Scotland.
- The rate of allowance, and the period for which it is to be paid in respect of any period of absence due to illness, shall be in accordance with paragraphs 225-244 of the Terms and Conditions of Service for Hospital Medical and Dental Staff and Doctors in Public Health Medicine and the Community Health Service in Scotland.
- Practitioners are entitled to be paid during periods of incapacity for work due to illness or injury in accordance with NHS Highland's occupational sick pay scheme.

17. **TERMINATION OF EMPLOYMENT**

Period of Notice

The agreed minimum period of notice by both sides shall be three months.

Application of minimum periods

These arrangements shall not prevent:

- NHS Highland or a practitioner from giving, or agreeing to give, a longer period of notice than the minimum.
- both parties to a contract agreeing to a period different to that set out;
- either party waiving its rights to notice on any occasion, or accepting payment in lieu of it; or
- either party treating the contract as terminable without notice, by reason of such conduct by the other party as enables it so to treat it at law.

Dismissal

This agreement shall be subject to termination forthwith by NHS Highland (in line with employment procedures) if the Practitioner;

- has his/her name removed from the medical register (except under Section 30(5) of the Medical Act 1983)
 - conducts him/herself in a manner which results in his/her name being suspended from the Medical Register (except under section 30(5) of the Medical Act 1983 (whereby medical practitioners who have been written to at a certain address by the Register but no answer has been received from that address for six months, are erased from the Medical Register.
 - has his/her name removed or suspended from a list maintained under the GMC GP Register or the Performer's List.
 - commits any gross or persistent breaches of the practitioners obligations under this Agreement and such a power of determination shall be exercisable notwithstanding that on some earlier occasion NHS Highland may have waived or otherwise failed to exercise its rights to termination under this clause
- or
- Is guilty of illegal substance abuse or habitual insobriety.