

wilfulneglectconsultation@scotland.gsi.gov.uk

16 December 2014

Dear Sir/Madam

Consultation on proposals for an offence of wilful neglect or ill-treatment in health and social care settings

We are writing in response to the consultation on proposals for an offence of wilful neglect or ill-treatment in health and social care settings.

The General Pharmaceutical Council (GPhC) is the regulator for pharmacists, pharmacy technicians and registered pharmacy premises in Great Britain. It is our job to protect, promote and maintain the health, safety and wellbeing of patients and the public who use pharmaceutical services in England, Scotland and Wales.

Although instances of deliberate neglect or mistreatment may be uncommon, we believe that health and social care professionals and organisations that intentionally harm people that they have been trusted to care for should face the consequences of their actions or omissions. While other means of redress, including regulatory sanctions against registered health and social care professionals who intentionally harm or neglect those they are caring for already exist, this new offence would be analogous to one already in place for mental health patients and adults with incapacity and would provide consistency for all patients, irrespective of their mental capacity or their health and social care setting.

As well as looking at the actions of an individual health or social care professional, focus needs to be on the whole system that surrounds a failure in care. Therefore, we believe it is essential that the scope of any new offence should include organisations to enable relevant authorities to address wider system failures.

We support the proposal that the offence should focus on whether wilful neglect or ill-treatment has occurred, rather than any harm suffered as a result. The fact that an individual who has been neglected or mistreated may have fortuitously escaped harm should not give rise to a defence.

We also welcome the fact that the proposed offence is not intended to cover instances of genuine error or accident. The recent work of the Rebalancing Medicines Legislation and Pharmacy Regulation Programme Board has shown how criminal sanctions associated with errors can act as a barrier to open and transparent reporting and learning to help improve the quality of service for

129 Lambeth Road, London, SE1 7BT. T 0203 365 3400 F 0203 365 3401

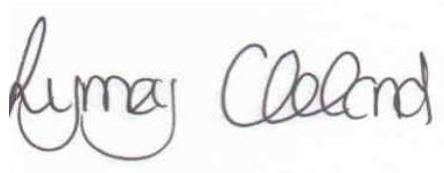
Duncan Rudkin, Chief Executive and Registrar

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patients. We therefore support the importance of making a clear distinction between a genuine error or accident and the deliberate neglect or mistreatment of patients.

I hope the above information is of assistance. If you would like further information or clarification about any aspects of the GPhC's work please do not hesitate to contact me on the details provided below.

Yours sincerely

A handwritten signature in black ink that reads "Lynsey Cleland". The signature is written in a cursive style with a large initial 'L'.

Lynsey Cleland

Director for Scotland
General Pharmaceutical Council
DD: 0203 713 7963
Email: lynsey.cleland@pharmacyregulation.org