

Consultation on the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 remedial order 2015

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

THE GENERAL PHARMACEUTICAL COUNCIL

Title Mr Ms Mrs x Miss Dr *Please tick as appropriate*

Surname

Lynsey

Forename

Cleland

2. Postal Address

25 CANADA SQUARE		
LONDON		
Postcode E14 5LQ	Phone 0203 713 8000	Emai

3. Permissions - I am responding as...

Individual <input type="checkbox"/>	/	Group/Organisation <input checked="" type="checkbox"/>
<i>Please tick as appropriate</i>		

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No

QUESTION 1

Do you have any views/observations on this Order?

Comment

The General Pharmaceutical Council is the statutory independent regulator of pharmacists, pharmacy technicians and pharmacy premises in Scotland, England and Wales. As part of our statutory responsibilities we investigate concerns about the fitness to practise of individual pharmacists and pharmacy technicians, taking action to restrict their ability to practise when this is necessary to protect patients and the public. We also undertake inspections of pharmacy premises to check if they are meeting our standards and in the future, subject to legislative change, we will have a range of enforcement powers in relation to registered pharmacies who are not meeting standards.

Offences which would be of most concern to the GPhC regarding the health, safety and wellbeing of patients and members of the public who access or use pharmacy services are protected under Schedule 8A.

However, we note that no reference is made within the Order to disclosing convictions to the GPhC relating to breaches of Section 78 of the Medicines Act 1968 (as amended) (offence of using the protected title of pharmacist or pharmacy technician). It is an important aspect of the GPhC's ability to comply with its statutory function and to enable it to act in the public interest that we receive disclosure of such offences – even if such convictions are spent. The GPhC's knowledge of such convictions could reasonably provide information which might be of relevance to our ability to undertake complete fitness to practise investigations.

As part of the consideration to be given to the Rules to be implemented around deciding whether to disclose convictions falling under Schedule 8B, the GPhC takes the view that full consultation should be undertaken. We believe that there are valid submissions to be made (at the appropriate time) in relation to the need, in the public interest, for all convictions which might indicate the impairment of a pharmacy professionals' fitness to practise to be disclosed to the GPhC.

As a regulator of premises, the GPhC is distinct from other healthcare professional regulators. The Order does not identify the need for disclosure of offences which could be imposed upon a body corporate or pharmacy owner. To enable the GPhC to undertake its role of ensuring patient safety through the appropriate use of information which may relate to a pharmacy premises (as well as individuals), it is important for relevant convictions relating to those who own registered pharmacies to be available to the GPhC. Our view is that failing to disclose such convictions (of any age) could undermine our ability to regulate registered pharmacies.

QUESTION 2

In relation to the Equality Impact Assessment, please tell us about any potential impacts, either positive or negative; you feel the amendments to legislation in this consultation document may have on any particular groups of people?

Comment

NO OBSERVATIONS

QUESTION 3

In relation to the Equality Impact Assessment, please tell us what potential there may be within these amendments to legislation to advance equality of opportunity between different groups and to foster good relations between different groups?

Comment

NO OBSERVATIONS

QUESTION 4

In relation to the Business Regulatory Impact Assessment, please tell us about any potential impacts you think there may be to particular business or organisations?

Comment

Other than points raised above, we make no further observations.