Scottish Ambulance Service

Health (Tobacco, Nicotine etc. and Care)(Scotland) Bill

The Health and Sport Committee issued a call for written views on the Health (Tobacco, Nicotine etc. and Care)(Scotland) Bill on 3 July 2015.

The Bill was introduced in the Parliament on 4 June 2015 and the Health and Sport Committee has been designated by the Parliament as the lead Committee.

The stated policy objective of the Bill is to make provision about tobacco, nicotine and related products, in particular to make provision about retailing, to amend the prohibition on smoking in certain areas and to control advertising and promotion; to make provision about a duty of candour following serious incidents in the course of providing care; to make provision about offences applying to ill-treatment or neglect where care is provided, and for connected purposes.

Organisations are invited to submit written views to the Committee in relation to the inquiry remit. Those submitting views should attempt to address some or all of the questions set out below –

**NVPs and smoking in hospital grounds**

1. Do you support the Bill’s provisions in relation to NVPs?

   *No response to make.*

2. Do you support the proposal to ban smoking in hospital grounds?

   *The Scottish Ambulance Service supports this proposal*

3. Is there anything you would add/remove/change in the Bill with regards to NVPs or smoking in hospital grounds?

   *No*

**Duty of candour and willful neglect**

1. Do you support the proposed duty of candour?

   *The Scottish Ambulance Service broadly supports the principle of the introduction of a Duty of Candour however has some concerns regarding the publics interpretation of the action to provide, for example, an apology as described in the Duty of Candour Procedure. This act has traditionally been viewed as an admission of negligence particularly within the context of legal proceedings therefore the SAS would support an active public information and education campaign as a key component to the introduction of Duty of Candour. The SAS would also reiterate the view offered during the original consultation that there is*
undoubtedly an issue regarding organisations being properly resourced to ensure duty of candour is implemented effectively.

2. Do you support the proposal to make willful neglect or ill-treatment of patients a criminal offence?

_The Scottish Ambulance Service recognises the merit, from the public’s perspective, in this proposal however has some reservations regarding the organizational benefits particularly regarding culture change. We have concerns this proposal may reinforce the view of some staff that the aim is to identify someone to blame and thereby make them less inclined to feel safe to report incidents or near misses. Additionally, this proposal may be viewed negatively by volunteer care workers. The SAS has a wide volunteer network who provide a vital service across Scotland as first responders and we would be concerned if this proposal was viewed as a deterrent to individuals considering volunteering for this type of role._

3. Is there anything you would add/remove/change in the Bill with regards to these provisions?

_No._

Having reviewed the Bill in the context of these questions I have provided responses to the questions I feel are relevant to the business of the Scottish Ambulance Service.

_Scottish Ambulance Service_