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

West Dunbartonshire Health & Social Care Partnership

Part One - Nicotine Vapour Products (NVPs) and smoking in hospital grounds

West Dunbartonshire Health & Social Care Partnership supports the Bill’s provisions in relation to NVPs. We are conscious though that the development of new inhalers or delivery systems - some of which will be licensed as medicinal products - presents a challenge for the implementation and enforcement of the new law. The legislation will require to be supported by clear national guidance for practitioners on which products are included, which will need to be made available and updated regularly.

West Dunbartonshire Health & Social Care Partnership supports the principle of banning smoking in hospital grounds. We are conscious though that there are challenges in enforcing such a ban in practice. There are already significant challenges in the implementation of existing local policies in this area. It seems unlikely that the existence of law to support such policies will make the enforcement task any easier. As such, we are also not convinced of the fairness of the proposed “offence of permitting others to smoke outside hospital buildings”, not least as it would likely be highly contestable in practice.

Part Two - Duty of candour and willful neglect

West Dunbartonshire Health & Social Care Partnership supports the Bill’s proposed duty of candour.

We would stress the importance of taking on-board the learning from the Berwick Report (Improving the Safety of Patients in England, 2013). This should include guarding against an automatic duty of candour where individuals are informed of every error/near miss - as this may lead to a counter-productive and excessive risk-averseness amongst practitioners. We would also stress the importance of ensuring that the reporting and monitoring structure proposed is revisited to ensure the avoidance of bureaucratic overload.

West Dunbartonshire Health & Social Care Partnership supports the Bill’s proposal to make willful neglect or ill-treatment of patients a criminal offence for employing organisations, including NHS Health Boards, all NHS independent contractors, and all independent providers (including the third sector).

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