

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

Community Pharmacy Scotland

Who are we?

Community Pharmacy Scotland is the organisation which represents community pharmacy contractor owners in almost every aspect of their working lives, and is the voice of these vital healthcare professionals as they deliver pharmaceutical care to the people of Scotland.

It is empowered to represent the owners of Scotland's 1256 community pharmacies and negotiates on their behalf with the Scottish Government. This covers all matters of terms of service and contractors' NHS service activity including remuneration and reimbursement for the provision of NHS pharmaceutical services.

Community pharmacies are situated across Scotland and it has been recognised that they are frequently sited in areas where levels of health inequalities are greater. In these areas, community pharmacies also offer members of that community an opportunity for skilled and sustainable employment.

What do we do?

Community Pharmacy Scotland works with the Scottish Government on the development of new pharmaceutical care services and works to ensure that the framework exists to allow the owners of Scotland's community pharmacies to deliver these services.

The Scottish community pharmacy contract puts the care of the individual right at its centre and with its focus on pharmaceutical care and improving clinical outcomes, community pharmacy contractors and their employee pharmacists are playing an increasingly important role in maximising therapeutic outcomes and improving medicine safety. Community pharmacy is at the heart of every community and plays an important part in the drive to ensure that the health professions provide the services and care the people of Scotland require and deserve.

2013 saw the publication of *Prescription for Excellence, A Vision and Action Plan* for the right pharmaceutical care through integrated partnerships and innovation. We participated in the session held by the Health and Sport Committee on 29th April 2014 to consider and explore it and welcomed the opportunity that gave to interact with officials and other stakeholders.

Community Pharmacy Scotland is happy to provide further information to the Health and Sport committee as required in support of this submission.

CPS Response to the call for evidence

NVPs and smoking in hospital grounds

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

We welcome many aspects of the bill including the age restrictions on sales, prohibiting sales from vending machines, prohibiting proxy sales. These restrictions should help reduce the risk of young people in particular starting a potential nicotine addiction through these products. We do however note that there is little evidence to suggest NVPs are acting as "gateway" devices to nicotine addiction.

We have concerns about retailers having to be on the tobacco retailers' register. NVPs have a lot of potential to reduce the massive harm caused by smoking tobacco. The stigma of having to be on the tobacco retailers' register will likely mean that many community pharmacies will choose not to supply NVPs. This will reduce the likelihood of "vapers" coming into contact with trained healthcare staff who may be able to advise them on reducing their use of NVPs or encourage them to enter NHS smoking cessation services.

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

Yes, we are supportive of the ban.

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

We would remove the need for retailers to be on the tobacco register as we believe it stigmatises a product which evidence has shown is around 20 times safer than combustible tobacco. We accept any legislation in this a difficult balancing act but care must be taken to ensure the benefits these products appear to have in reducing tobacco use are realised.

Duty of candour and wilful neglect

4. Do you support the proposed duty of candour?

No, we do not support a statutory duty of candour.

Along with other UK regulators of healthcare professionals, the General Pharmaceutical Council (GPhC) has signed a joint statement on openness and honesty - the professional duty of candour. The statement reflects the GPhC's requirement that pharmacists and pharmacy technicians need to be open and transparent at all times, and serves as a reminder that candour is an essential duty for all professionals. The implications of need for this should be understood by all of our members and should be reflected in current practices.

Community Pharmacy Scotland fully understands the need for a duty of candour following recommendations of the Berwick and Francis reports; however we feel it is not necessary to underpin this through legislation. Current arrangements with the Regulator and Health Boards (through the

2009 General Pharmaceutical Regulations in Scotland, Patient Rights Act 2011) should be enough to ensure that duty of candour takes place in a professional way ensuring improvement in practice and appropriate disclosure with patients.

There are fundamental advantages of regulation over legislation. While they should have the same effect, regulation is far easier to modify and should therefore cost less in both time and money.

We have seen an example in the pharmacy profession such as the criminalisation of dispensing errors where legislation has had a negative impact on encouraging an open and honest culture. We note that recommendation 10 from the Berwick Report states “We support responsive regulation of organisations, with a hierarchy of responses. Recourse to criminal sanctions should be extremely rare, and should function primarily as a deterrent to wilful or reckless neglect or mistreatment.”

We would therefore state that legislating in this matter could be seen as a regressive step.

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

Yes we support the proposal in line with the recommendations of the Berwick report.

6. Is there anything you would add/remove/change in the Bill with regards to these provisions? - See more at:

No comment.

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