The GMC is the independent regulator for doctors in the UK. Our purpose is to protect, promote and maintain the health and safety of the public by ensuring proper standards in the practice of medicine. We do this by:

- keeping up-to-date UK registers of qualified doctors
- fostering good medical practice in the UK
- promoting high standards of medical education in the UK
- dealing firmly and fairly with doctors practising in the UK whose fitness to practise is in doubt.

As part of these functions we provide guidance for doctors on standards of professional conduct. In commenting on the Bill, our aim is to ensure that any obligations it might impose on doctors will not be inconsistent with the standards we set for doctors’ professional practice.

We responded in March to the Scottish Government’s consultation on the draft Bill. Our comments on the earlier draft still stand. We believe the Bill will enhance patient safety, especially by helping doctors to fulfil their professional duties as outlined below.

- We welcome the proposal that hospital managers should exercise discretion as to whether or not to give notice of certain matters listed in section 37 to persons listed in 38(4). We believe this will better protect patients from possible harm (for example, if family members learning of the reasons for their detention is likely to cause deterioration in the patient’s mental health) and reassure doctors that they are able to protect patient confidentiality.

- We welcome the proposal to extend the provision of assistance to patients with communication difficulties to those who are the subject of applications for orders as well as those who are subject to a detention order. This is consistent with our guidance to doctors that:

  32. You must give patients the information they want or need to know in a way they can understand. You should make sure that arrangements are made, wherever possible, to meet patients’ language and communication needs (From Good medical practice)

- We welcome the proposal to allow detained mothers with children aged under one to keep their children with them in hospital. We advise doctors that:

  When treating adults who care for, or pose risks to, children and young people, the adult patient must be the doctor’s first concern; but doctors must also consider and act in the best interests of children and young people. (From 0-18 years: guidance for all doctors)
We welcome the acknowledgement that mentally disordered offenders may themselves be vulnerable and that it is therefore be appropriate to limit the information that is given to victims, in some circumstances, to avoid harm to the patient. Whilst our guidance on Confidentiality allows doctors to disclose personal information when that is required by law, we nonetheless welcome this change in the law, which we believe strikes a good balance between maintaining confidentiality in mental health services and in supporting victims of crime.

General Medical Council
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