

## **PE1712/D**

British Medical Association Scotland submission of 18 April 2019

Thank you for your letter, inviting the BMA to comment on the petition (PE1712) regarding the use of soul and conscience letters.

I should also apologise for the time it has taken to respond and hope this letter is still of use to the committee.

I have looked carefully at the transcript of the discussion at committee and the issues under consideration and would offer the following reflections.

At the BMA we are not aware of pressure being unduly put on GPs to sign or write soul and conscience letters. That is not to say this will not happen in some individual circumstances, but we have no evidence that this is any kind of common occurrence, or indeed that it happens at all.

The purpose of a soul and conscience letter is to effectively allow a doctor to give evidence under oath to a court as to the health of an individual without having to be present in court. This allows the process to work without a GP having to be away from practice and delivering care to patients. As the committee rightly considered in its debate on the issue, this is particularly important given the large workload and pressure on GPs time that currently exists. That is exacerbated by current high levels of vacancies across the GP workforce and make it almost inevitable that any move to add further responsibilities for doctors would reduce time available for patients.

As a result, such letters are a convenience to doctors and the courts but are written by doctors in the full knowledge that they may still be required to attend court to provide the evidence in their letter in person. No GP would write such a letter lightly and it is well understood that a GP would have to answer to the contents of the letter if required to do so.

It is also worth noting that the courts are not obligated to take into account soul and conscience letters (or indeed what a doctor says in person), they are ultimately decisions for the court.

Overall, it is our belief that the use of soul and conscience letters provide a proportionate mechanism whereby doctors can offer important evidence to courts, without impacting too significantly on the time needed to care for patients.

Beyond this, and the workings of courts and how they use these letters, is a question best left to other stakeholders.

However, a key point I would emphasise is that any move to alter this, for example to always require a doctor's attendance at court, would potentially have a significant negative impact on the time GPs are able to spend with patients. Equally, the BMA does not believe that it would make any real benefit to the system, as GPs are well aware of the significance of the evidence they are providing in the context of ongoing criminal cases, that will no doubt involve serious consequences for potential victims

and those set to undergo trial. Being required to automatically attend court would make no difference to a GPs understanding of the seriousness of the situation yet could have a serious impact on patients who need to see their GP.

On the issue of improved guidance, we have not had any particular concerns raised with us around the quality of this guidance as it stands. Again, that is not to say that it could not be reviewed or improved, but it is not a pressing issue that the BMA in Scotland is calling for action on.

I hope this is helpful and would be happy to provide any further information or feedback as required.