

## **Article No 13 for DDA dated 12<sup>th</sup> November, 2010**

### **Awkward Questions asked of Scottish Government**

It is now almost 2 years since E-petition1220 was submitted to the Scottish Government Petitions Committee. The Petition seeks to protect dispensing doctor facilities in Scotland's rural areas threatened by commercial pharmacy applications which are at odds with the choice of those patients who value and prefer the existing one stop service and the other advantages brought about by a dispensing practice. Such practices are at the heart of rural communities and even before the petition was launched there was considerable concern that unwanted pharmacies were destroying the much appreciated services run out of rural dispensing surgeries. Such services which went beyond dispensing, had been built up by doctors as part of the ploughing back of profits into patient care and welfare facilities

In the two years and many hearings of the petition some positive results have been achieved. The Scottish Government was forced to overhaul outdated and undemocratic pharmacy application regulations via a broad consultation process on the Control of Entry legislation. This is currently heavily weighted in favour of pharmacists and against the patients and GPs affected.

The petition itself would probably never have arisen had the application, later successful, to open a pharmacy in Leuchars, Fife not been handled so insensitively by both the applicant and Fife Area Health Board. The applicant refused to meet the patients to explain the case for the pharmacy and Fife AHB's subsequent clumsy handling of the whole process is now being examined by the Scottish Ombudsman.

Patients, community councils and local politicians were horrified and angry that the decision on Leuchars to allow the pharmacy had been made under such a flawed and undemocratic process. The anger and sheer frustration at the lack of respect for patient views, not only in Leuchars but also in Millport and other affected communities has not gone away and it is now questionable if it will over the years ahead. Patients will vote with their feet on where they choose to get prescriptions fulfilled and this is likely to have an adverse effect on unwanted commercial pharmacies' turnover.

The stage has now been reached where the consultation process on new legislation has been completed. The DDA view on the new proposals has already been made clear in the article on this website on 9<sup>th</sup> November, On the same day the DDA responded to PE1220 and this website article raised considerable concern that the new legislation was still lacking in fundamental principles of fairness and equality of input rights for all parties in the decision process.

As a result of the Petition Committee's meeting on 9<sup>th</sup> November the following points and questions have been put to the Scottish Government, who have until 10<sup>th</sup> December to respond:-

**TUESDAY 9 NOVEMBER 2010**

**Scottish Government—**

- In addition to your commitment to ensure the process is clearly understood by the public to enable them to make informed views, the Committee believe that if the public are being encouraged to make their views known then in order for them to feel it is worth while doing so it is important that these views are taken into account as a mandatory part of the process. The Committee would

appreciate if you were to ensure that the process is amended to ensure that the views made by the public must be taken into account as part of the decision making process.

- You state that you expect NHS Boards to comply with relevant legal obligations when carrying out their functions. In light of the example by the petitioner of where an impact assessment wasn't carried out can you confirm how you ensure that NHS Boards are meeting their legal obligations and what steps you would take if it is found that they are not.
- The Committee would also be interested in your views of the issues raised by the petitioner in his submissions of 18 October 2010.

TUESDAY 29 JUNE 2010

Scottish Government—

- How will you ensure that public opinion is incorporated into the decision making process by NHS boards in addition to their requirement to publicly consult?
- What assessment has been made in relation to the impact the changes will have in rural areas?
- Are NHS boards carrying out Impact Assessments under the Disability Discrimination Act 2005? What are your views on the points raised by the petitioner in this regard?

TUESDAY 20 APRIL 2010

Scottish Government -

- What are your views on the points raised by the petitioner in his letter of 24 March on the issue that the points for input in the consultation fall short of achieving a fair and democratic process which is the aim of the petition?
- What are your views on the request made by the petitioner that a hold is put on all current and new applications in dispensing doctor areas until the new regulations come into being?
- Will you please provide the Committee with information showing what actions and timescales you are expecting to follow once the consultation has closed on 11 June 2010.
- Will you take into account the points made in all the correspondence on this petition as part of your consultation

These questions go to the heart of the matter. Until the public, as well as their GPs, have a cast iron assurance that they will both be listened to and allowed to be part of the decision processes that so seriously affect their everyday community life the Control of Entry pharmacy legislation will be undemocratic and unfit for purpose. It is now time for Scottish Government ministers to ensure that this is done in the case of pharmacy applications in rural dispensing doctor areas.

Alan Kennedy

12<sup>th</sup> November 2010