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24 July 2007

Ref: Mental Capacity Consultation Submit
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Dear Ms Edwards

Re- Consultation on 'Nominated Consultee' Guidance

I write on behalf of the Royal Pharmaceutical Society for Great Britain (RPSGB) in response to the above consultation.

The RPSGB is the professional and regulatory body for pharmacists in England, Scotland and Wales. It also regulates pharmacy technicians on a voluntary basis, a role that is expected to become statutory under new legislation soon. The primary objectives of the RPSGB are to lead, regulate, develop and represent the profession of pharmacy.

Having recently conducted a fundamental review of our Code of Ethics for pharmacists and pharmacy technicians, the Society welcomes the opportunity to respond to this consultation. In addition to the review of the Code, the Society has produced seven supporting standards and guidance documents, one of which is titled 'Professional Standards and Guidance for Patient Consent'.

We agree that the guidance document is useful, and that the language used is easy to understand. The document uses plain English to explain an area of legislation that is understandably complex.

As the document is comprehensive and covers the areas that are intended, the Society has few comments. These are:-

- **Person Consultee (page 8) – In the last paragraph you state:**
In accordance with the general principles of the Act, the researcher must make every effort to take into account what the wishes of the person who lacks capacity are about whom to consult and to.....
We have suggested amending this wording slightly to make it easier to read.

- The document does not state that the consultee (whether personal or nominated) must have capacity. Whilst this is implicit, it may be useful to say this from the outset.
- Summary (page 14) – In the last paragraph, you need to omit the word ‘to’ prior to the word ‘ensure’ so that the sentence reads correctly.

We hope that you find our comments useful. Should you wish to discuss any of the matters we have raised please do not hesitate to contact us.

Yours sincerely

Priya Sejjal
Professional Ethics Pharmacist