



Royal Pharmaceutical Society of Great Britain

Helping pharmacists achieve excellence

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14th September 2007

Dear Sir / Madam

Re: Consultation on Barring under the Safeguarding Vulnerable Groups Act 2006

The Royal Pharmaceutical Society of Great Britain (RPSGB) is the professional and regulatory body for pharmacists in England, Scotland and Wales. It also regulates pharmacy technicians on a voluntary basis, which 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. The protection of the public and the safety and wellbeing of patients is at the centre of the pharmacy profession and is the prime concern of pharmacists and registered pharmacy technicians.

The consultation document sought views on the following questions:

Q1. Should the period in which representations should be submitted by individuals to the Independent Safeguarding Authority be set at 8 weeks?

The Society does not have any objections to this time period being set at 8 weeks.

Q2. Should the new scheme differentiate between young people and adults for the purposes of the minimum no-review period?

As stated above, the protection of the public and the safety and wellbeing of patients is at the centre of the pharmacy profession and is the prime concern of pharmacists and registered pharmacy technicians. The protection of vulnerable groups may be better served by having no differentiation between young people and adults. The Society would prefer that the minimum no-review period was adjusted to 10 years for both groups.

Q3. Should the new scheme adopt the same minimum no-review periods as current schemes: 10 years for adults and 5 years for younger people?

As stated above, an undifferentiated scheme would be preferable. However, if there was a different no-review period for adults and younger people, it would better serve the protection of vulnerable groups by having a longer no-review period for young people than the 5 years currently being proposed, for example 7 years.

Q4. Under the current schemes, the age boundary for the purpose of the minimum no-review period is 18. Should it remain at 18 or should it be raised to 25?

If there was a different no-review period for adults and younger people, the protection of vulnerable groups may be better served by maintaining the age boundary at 18.

Questions to consider (please refer to Annex 1)

Q5: Do you agree with the list of offences that would result in automatic barring from working with children?

The Society would prefer that certain offences from the list “with right to make representations” were transferred to the list “with no right to representations”.

The Society would prefer the following to be transferred to the list of offences “with no right to representations”:

Children’s Automatic Barring Offences – with right to make representations		
Act	Section	Offence
Children and Young Persons Act 1933	1	Cruelty to children [<i>Being a person 16 years or over having responsibility for a child under 14/young person under 16 wilfully assaulted/ill treated/neglected/abandoned/exposed the child/young person in manner likely to cause unnecessary suffering/injury to health</i>]
Sexual Offences Act 1956	6(1)	Sexual intercourse with a girl under the age of sixteen
Sexual Offences Act 1956	10(1)	Incest by a man [<i>Being man/boy had sexual intercourse with woman/girl he knew to be grand daughter/mother/sister/half-sister/daughter</i>]
Sexual Offences Act 1956	11(1)	Incest by a woman [<i>Being a woman with consent permitted a man you knew to be your grandfather/father/ brother/half-brother/son to have sexual intercourse with you</i>] Repealed by s.140 of and Schedule 7 to the Sexual Offences Act 2003]
Sexual Offences Act 1956	13	Indecency between men [<i>man aged 18/19/20 years or man over 21 years committed gross indecency with man under 16 years</i>] Repealed by S.140 of and schedule 7 to the Sexual Offences Act
Sexual Offences Act 1956	14(1)	Indecent assault on a woman

Act 1956		
Sexual Offences Act 1956	15(1)	Indecent assault on a man
Sexual Offences Act 1956	16(1)	Assault with intent to commit buggery
Sexual Offences Act 1956	19	Abduction of unmarried girl under 18
Sexual Offences Act 1956	20	Abduction of unmarried girl under 16
Sexual Offences Act 1956	23	Procuration of girl under 21
Sexual Offences Act 1956	25 and 26	Permitting girl, under 13, or between 13 and 16, to use premises for intercourse
Sexual Offences Act 1956	28	Causing or encouraging prostitution of, intercourse with or indecent assault on, girl under 16
Mental Health Act 1959	128	Sexual intercourse with patients
Indecency with Children Act 1960	1(1)	Indecency with children under the age of sixteen
Misuse of Drugs Act 1971	4(3)	[Supply of drugs to children]
Criminal Law Act 1977	54(1)	Inciting a girl under the age of sixteen to have incestuous sexual intercourse
Protection of Children Act 1978	1(1)	Take, or permit to be taken, or to make any indecent photograph or pseudo-photograph of a child; distribution or possession of indecent photograph of a child
Criminal Justice Act 1988	160	Possession of indecent photographs of children
Sexual Offences (Amendment) Act 2000	3	Abuse of trust <i>[Being a person aged eighteen years or over in a position of trust has sexual intercourse/engage in sexual activity with a person under 18]</i> <i>Repealed by s.140 of and Schedule 7 to the Sexual Offences Act 2003</i>
Sexual Offences Act 2003	9	Sexual activity with a child
Sexual Offences Act 2003	10	Causing or inciting a child to engage in sexual activity
Sexual Offences Act 2003	11	Engaging in sexual activity in the presence of a child <i>[being a person aged eighteen years or over for the purpose of obtaining sexual gratification intentionally engaged in sexual activity in the presence of / a place where you could be observed by a child under 13 OR 13/14/15 years knowing / believing that the child was or intending that the child should be aware that you were engaging in that activity]</i>
Sexual Offences Act 2003	12	Causing a child to watch a sexual act <i>[being a person aged eighteen years or over for the purpose of obtaining sexual gratification intentionally caused a child under 13 OR 13/14/15 years whom you did not reasonably believe was aged 16 years or over to watch a third person/look at an image of any person engaging in a sexual activity]</i>
Sexual Offences	14	Arranging or facilitating commission of a child sex offence

Act 2003		
Sexual Offences Act 2003	15	Meeting a child following sexual grooming [<i>Being a person 18 or over having on at least two earlier occasions met/communicated with a girl/boy under 16 and who you did not reasonably believe was 16 or over intentionally met/travelled with the intention of meeting that girl/boy and at the time you intended to do anything to / in respect of her/him during/after the meeting and in any part of the world which if done would have involved the commission by you of a relevant offence</i>]
Sexual Offences Act 2003	16	Abuse of position of trust: sexual activity with a child
Sexual Offences Act 2003	17	abuse of position of trust: causing or inciting a child to engage in sexual activity
Sexual Offences Act 2003	18	abuse of position of trust: sexual activity in the presence of a child [<i>Being a person 18 or over in a position of trust in relation to a child under 13 for the purpose of obtaining sexual gratification intentionally engaged in sexual activity the presence of/where you could be observed by that child knowing or believing that the child was / intending that the child should be aware that you were engaging in that activity or caused that child to watch a third person / look at an image of any person engaging in a sexual activity</i>]
Sexual Offences Act 2003	19	abuse of position of trust: causing a child to watch a sexual act [<i>Being a person 18 or over in a position of trust in relation to a child aged 13/14/15/16/17 whom you did not reasonably believe was aged 18 or over or the purpose of obtaining sexual gratification intentionally caused that child to watch a third person / look at an image of a person engaging in sexual activity</i>]
Sexual Offences Act 2003	25	sexual activity with a child family member
Sexual Offences Act 2003	47	Paying for sexual services of a child
Sexual Offences Act 2003	48	Causing or inciting child prostitution or pornography
Sexual Offences Act 2003	49	Controlling a child prostitute or a child involved in pornography
Sexual Offences Act 2003	50	Arranging or facilitating child prostitution or pornography
Mental Capacity Act 2005	44	Ill-treatment or wilful neglect

Q6: Do you agree with the list of offences that would result in automatic barring from working with vulnerable adults?

The Society would prefer that certain offences were transferred from the list “with right to make representations” to the list “with no right to representations”.

The Society would prefer the following to be transferred to the list of offences “with no right to representations”:

Vulnerable Adults Barring Offences – with right to make representations		
Act	Section	Offence
Children and Young Persons Act 1933	1	Cruelty to children
Sexual Offences Act 1956	1(1)	Rape [of a child]
Sexual Offences Act 1956	4	Administering drugs to obtain or facilitate intercourse
Sexual Offences Act 1956	5	Sexual intercourse with a girl under the age of 13
Sexual Offences Act 1956	7	Intercourse with defective*
Sexual Offences Act 1956	9	Procurement of defective*
Sexual Offences Act 1956	13	Indecency between men [<i>man aged 18/19/20 years or man over 21 years committed gross indecency with man under 16 years</i>] <i>Repealed by s.140 of and Schedule 7 to the Sexual Offences Act 2003</i>
Sexual Offences Act 1956	14(1)	Indecent assault on a woman
Sexual Offences Act 1956	15(1)	Indecent assault on a man
Sexual Offences Act 1956	21	Abduction of defective* from parent or guardian
Sexual Offences Act 1956	27	Permitting defective* to use premises for intercourse
Sexual Offences Act 1956	29	Causing or encouraging prostitution of defective*
Mental Health Act 1959	128	Sexual intercourse with patients
Criminal Law Act 1977	54(1)	Inciting a girl under the age of sixteen to have incestuous sexual intercourse
Protection of Children Act 1978	1(1)	Take, or permit to be taken, or to make any indecent photograph or pseudo-photograph of a child; distribution or possession of indecent photograph of a child

Mental Health Act 1983	127	Ill-treatment or wilful neglect of a patient with a mental disorder
Mental Health Act 1983	128	Induce or knowingly assist a patient under guardianship or a person in 137 custody to absent themselves without leave; or knowingly harbours a patient who is absent without leave <i>[removing a person from a hospital or the specified place where they are living (or preventing their return) places the patient at serious risk of harm]</i>
Mental Health Act 1983	129	Refuses to allow the inspection of any premises; or to allow the visiting, interviewing or examination of any person by a person authorised; or to produce for the inspection of any person so authorised any document or record the production of which is duly required by him; or otherwise obstructs any such person in the exercise of his functions <i>[to prevent the Healthcare or the Mental Health Commission from carrying out their statutory functions in inspecting premises where patients have been detained]</i>
Sexual Offences (Amendment) Act 2000	3	Abuse of trust
Sexual Offences Act 2003	4	Causing a person to engage in sexual activity without consent
Sexual Offences Act 2003	16	Abuse of position of trust: sexual activity with a child
Sexual Offences Act 2003	17	abuse of position of trust: causing or inciting a child to engage in sexual activity
Sexual Offences Act 2003	18	abuse of position of trust: sexual activity in the presence of a child
Sexual Offences Act 2003	19	abuse of position of trust: causing a child to watch a sexual act
Sexual Offences Act 2003	61	Administering a substance with intent intentionally
Domestic Violence, Crime and Victims Act 2004	5	Causing or allowing the death of a child or vulnerable adult
Mental Capacity Act 2005	44	Ill-treatment or wilful neglect

Please provide any other comments on the automatic barring offences lists in Annex 1.

The Society does not have any further comment on the automatic barring offences lists.

Yours sincerely

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Fitness to Practise and Legal Affairs Directorate