BALSALL COMMON AND MERIDEN GROUP PRACTICE

**Firearms Licence Policy**

**Introduction**

From 1 April 2016 new information sharing processes between GPs and the police were introduced in an attempt to ensure those licensed to possess firearm and shotgun certificates are medically fit to carry arms.

The following process takes into account the BMAs discussions with the Home Office, the police and the British Association for Shooting and Conservation (BASC), as well as external legal advice. More information can be found at:

<https://www.bma.org.uk/advice/employment/ethics/ethics-a-to-z/firearms>

The current system requires the police to assess applicants for firearms licenses. In all cases, they will ask the applicant’s GP to provide general medical information. This information consists of a factual report based on the applicant’s medical history, and may also include a generic question asking if the GP has “concerns” regarding the issuing of a firearms license.

In certain targeted situations the police may ask for a full formal report. There is agreement that police funding is required for this formal report. There is also agreement between the BMA and Home Office that the charging of a fee may be appropriate for the initial general report but no agreement has been reached regarding the funding of this. As a GP practice we intend to charge for this any report requested.

This following process is designed to advise GPs on how to respond to the initial general request from police firearms licensing officers.

**Process**

It is important that GP practices respond to the initial police letter (ideally within 21 days). Failure to respond could put GPs at professional risk.

**Practices should not ignore the letter from the police – it must be actioned (especially if there are concerns).**

The turnaround time for the request is 21 days but this is a timescale is too short a time for practices to look at the notes, contact the applicant, do a report and get payment. Therefore the letters we send will have the wording “you cannot assume that no reply in 21 days means we have no concerns".

GPs are entitled to charge the applicant a fee, and may withhold the report until the fee has been paid. In these circumstances the practice must inform the police that the reason for the delay is that the practice is awaiting payment.

On receiving a letter from the police, the practice will respond by:

* The Practice will contact the patient by letter to advise them of the fee & ways to pay.
* Sending a letter to the police (Appendix 1) advising them the GP is content to complete this report for which the practice shall charge a fee to the applicant. The police will receive the report once the practice has received payment of this fee from the applicant. Until such time as they receive the report the police should assume that the applicant has declined to provide this fee.

Potentially GPs may decide to decline the request as it falls outside their expertise. This is relevant to forms that ask for an opinion, including whether the GP has concerns, and not solely a factual report of relevant medical conditions. The following letter could be sent:

* The GP refuses to provide the requested report, because it seeks an opinion on matters falling outside their medical expertise, namely assessment of behavioural and personality disorders. (Appendix 2)

It might be open to GPs to refuse to engage in the firearms certification process on grounds of conscientious objection on the basis of religious or ethical beliefs.

The legal opinion is that a GP who refuses to engage on these grounds should have due regard to the GMC guidance, notwithstanding that this guidance is primarily written for the purposes of referral for procedures, treatments and interventions rather than the compilation of a medical report.

GMC guidance does require GPs to take reasonable steps to notify their patients of their conscientious objection in advance, and GPs who hold such beliefs should ensure a clear statement to this effect is placed on their practice website and on notices in public areas of the practice.

Further guidance can be found at:

<https://www.bma.org.uk/advice/employment/ethics/expressions-of-doctors-beliefs>

A letter can be sent due to conscientious objection to the holding of firearms.

(Appendix 3)

***Balsall Common and Meriden Group Practice has decided to process these requests so usually only letter in appendix 1 will apply***

**Other considerations**

Where there is a reasonable belief that an individual holding a firearm or shotgun license may represent a danger to themselves or others, GPs will encourage the applicant to surrender their license.

If the applicant refuses, a GP should consider breaching normal confidentiality and informing the police firearms licensing department as a matter of urgency. If in any doubt the GP should seek further ethical and legal advice from the BMA Ethics Department or their defence body.

**Fees**

We will charge £100 for completing a firearm request. Payment is expected before the report is completed & sent to the police. The secretaries are responsible for advising the patient of the fee, sending the initial letter to the police & informing the GP when payment has been made.

Once the fee has been received the GP will check the medical records (GP will paper notes) & dictate a report for the secretaries to send to the police. This report will be available in the clinical record.

If a patient refuses to pay the secretaries should inform the practice manager who will take the discussion to a practice meeting.

**Coding & recording**

Police letters (regarding firearms) request GPs to place a flag (read code) in the patient record to identify the subject as the holder of a firearms license.

While reminding doctors of their duty of care to the public to raise concerns where they are apparent, the BMA does not recommend flagging notes in this manner, due to the imprecise nature of flags, the lack of clear protocols for their appropriate removal and the absence of reliable software to facilitate the surveillance and cross-referencing of flags with diagnoses of concern. The BMA continue to work with the Home Office on this issue & the policy will be amended as new guidance is given.

Balsall Common and Meriden Group Practice have decided that they will read code firearms applications. All communications regarding firearms should be scanned into the patient record.

**Policy created:** 8th March 2017 **By:** Balsall Common and Meriden group Practice

**Appendix 1**

Surgery header

Dear Sir,

**FIREARMS LICENSING**

Re: [PATIENT NAME – DOB]

Thank you for your request for medical information relating to the above named individual for the purposes of assessing them for suitability in issuing them with a firearms certificate.

I am content to provide a summary limited to medical facts and compiled from the records for a fee which I shall charge to the applicant. You will receive the report upon my receipt of this fee from the applicant. Until such time as you receive my report you should assume that the applicant has declined to provide this fee.

Please note that this may mean that the report is not returned to you within 21 days. Therefore, please do not assume that no reply in 21 days means we have no concerns.

Yours faithfully,

GP Name

**Appendix 2**

Surgery header

Dear Sir,

**FIREARMS LICENSING**

Re: [PATIENT NAME – DOB]

Thank you for your request for medical information relating to the above named individual for the purposes of assessing them for suitability in issuing them with a firearms certificate.

I refuse to provide the requested report, because it seeks an opinion on matters falling outside my medical expertise, namely assessment of behavioural and personality disorders.

Yours faithfully,

GP Name

**Appendix 3**

Surgery header

Dear Sir,

**FIREARMS LICENSING**

Re: [PATIENT NAME – DOB]

Thank you for your request for medical information relating to the above named individual for the purposes of assessing them for suitability in issuing them with a firearms certificate.

I refuse to provide a report because I have a conscientious objection to the holding of firearms.

I am aware of my responsibilities and obligations under GMC guidance on conscientious objection.

Yours faithfully,

GP name

**Appendix 4**

Surgery header

**<NHS number>**

**<Title/Initials/Surname> <Todays date>**

**<Patient address>**

**Dear <Title> <Surname>,**

**We have received a letter from the Police which suggests you have applied for a Firearms Licence. The Police have requested a medical report to check that you are not suffering from any metal health or physical condition which would place yourself or the public at risk. We have notified the Police that we have received their request and there is a very short window, of 21 days, in which they give us to reply.**

**We are writing in line with our Practice policy that states, for a medical report, we are obliged to charge the patient in line with the Police, BMA and doctors’ union recommendations. The fee for this report will be £100.00. Please would you respond promptly, given the timescale, to** [**joanne.hope@nhs.net**](mailto:joanne.hope@nhs.net) **or contact the Practice to discuss this with the secretaries. As soon as you have agreed with this fee for a medical report your usual GP will complete the report promptly and will respond to the Police directly. It is regrettable that we have to charge yourself for this fee as you already pay for the licence. This has come after a prolonged period of negotiation between the Police and the BMA.**

**Please refer to the Practice website and the policy if you need any further guidance.**

**Yours sincerely**

Joanne Hope

Practice Manager