

Removal of violent patients from practice list

Legal Implications for GP practices following discussions with West Midlands Police

To all GPs and Practice Managers

Further to the earlier communication on this matter, the West Midlands Police have confirmed that even if a crime number is not issued following notification of the incident, a log number for the notification is always issued, regardless of whether any subsequent action is taken. The shared services agency have therefore amended the forms for removal of violent patients to indicate that either a log number or crime number be provided to confirm that the incident has been reported to the police in accordance with the regulations.

If, for whatever particular reason, a crime number is not issued following a violent patient removal, please ensure that you obtain a log number from the police which will act as confirmation that the police have been informed. We would however expect that in the overwhelming majority of cases a crime number *is* issued and that the matter is investigated appropriately by the police, in order that a zero tolerance policy to these unacceptable occurrences is maintained.

We are still aware that on occasions patients who should be removed under the violent patient regulations are dealt with under the normal removal procedures and we would remind practices that this is totally inappropriate. The reason for having the provision to remove patients under zero tolerance is to ensure that these patients can receive their future care only in a secure environment in order to protect other GPs, their staff and their patients. Practices have a duty of care to ensure that correct procedures are followed in order to safeguard their colleagues and other patients.

Both the LMC and the shared services agency would be happy to give further advice on this matter should you require it.

Dr. Robert Morley
Executive Secretary
Birmingham Local Medical Committee

Dear colleagues

It has come to the LMC's attention that practices are being misinformed by their PCT/shared services agency in respect of immediate removal of violent patients. Copied below is the relevant regulation. You will see that whilst there is an obligation to inform the police about the relevant incident ***there is no obligation to obtain a crime number***. Indeed it will frequently be inappropriate to obtain a crime number if the victim, for whatever reason, does not wish to press any charges and the police do not need to obtain any statement. The forms produced by the shared service agency however request a crime number and, unfortunately, it appears that some shared services agency staff are misinforming practice staff and advising them that patients cannot be removed under the violent patient regulation without this. If a removal is refused because of this, then the PCT is clearly in breach of the regulation and of your contract. Please advise the LMC if you encounter any further difficulties.

Regards

Dr. Robert Morley
Executive Secretary
Birmingham Local Medical Committee

Removals from the list of patients who are violent

21. - (1) A contractor which wishes a patient to be removed from its list of patients with immediate

effect on the grounds that -

(a) the patient has committed an act of violence against any of the persons specified in sub-paragraph (2)

or behaved in such a way that any such person has feared for his safety; and

(b) it has reported the incident to the police,

shall notify the Primary Care Trust in accordance with sub-paragraph (3).

(2) The persons referred to in sub-paragraph (1) are -

(a) the contractor where it is an individual medical practitioner;

(b) in the case of a contract with two or more individuals practising in partnership, a partner in that partnership;

(c) in the case of a contract with a company, a legal and beneficial owner of shares in that company;

(d) a member of the contractor's staff;

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(e) a person engaged by the contractor to perform or assist in the performance of services under the contract; or

(f) any other person present -

(i) on the practice premises, or

(ii) in the place where services were provided to the patient under the contract.

(3) Notification under sub-paragraph (1) may be given by any means including telephone or fax but if

not given in writing shall subsequently be confirmed in writing within seven days (and for this purpose a

faxed notification is not a written one).

(4) The Primary Care Trust shall acknowledge in writing receipt of a request from the contractor

under sub-paragraph (1).

(5) A removal requested in accordance with sub-paragraph (1) shall take effect at the time that the

contractor -

(a) makes the telephone call to the Primary Care Trust; or

(b) sends or delivers the notification to the Primary Care Trust.

(6) Where, pursuant to this paragraph, the contractor has notified the Primary Care Trust that it wishes

to have a patient removed from its list of patients, it shall inform the patient concerned unless -

(a) it is not reasonably practicable for it to do so; or

(b) it has reasonable grounds for believing that to do so would -

(i) be harmful to the physical or mental health of the patient, or

(ii) put at risk the safety of one or more of the persons specified in sub-paragraph

(2) .

(7) Where the Primary Care Trust has removed a patient from the contractor's list of patients in accordance with sub-paragraph (5) it shall give written notice of the removal to that patient.

(8) Where a patient is removed from the contractor's list of patients in accordance with this paragraph, the contractor shall record in the patient's medical records that the patient has been removed under this paragraph and the circumstances leading to his removal.