



**Royal
Pharmaceutical
Society
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News release

For immediate release

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Council escalates its call for the decriminalisation of dispensing errors

The Royal Pharmaceutical Society of Great Britain's Council is pressing the government for an urgent change in legislation to decriminalise dispensing errors.

Under the Medicines Act 1968, pharmacists automatically commit a criminal offence each time they make a dispensing error or a labelling error – and the Council has set out to champion the case to change the law.

Experts on medical safety all agree that a disproportionate response to human errors makes systems less safe, as accidents become hidden and driven underground, so no one learns where the system is unsafe, so it cannot be made safer for others.

The Society is currently surveying pharmacists on its register to explore their views on recording dispensing errors in a dispensing error log. The early results show the recent court case where a pharmacist received a suspended sentence for a dispensing error has made pharmacists reluctant to record dispensing errors. The survey showed 42.8 per cent of pharmacists are now seriously concerned about recording dispensing errors. Pharmacists are torn between doing the right thing - recording and learning from mistakes - and the risk of incriminating themselves by making a record of a potential criminal offence.

Last week the Society threw its weight behind an online petition, started by grassroots pharmacists, calling for decriminalisation of dispensing errors. A message was sent to all

members of the Society, urging them to sign the petition. The petition already has over 10,000 signatures from pharmacists and members of the public.

President Steve Churton said: "The law as it currently stands is outdated, manifestly unjust and disproportionate. It discourages pharmacists from reporting errors and this plainly does not serve the public interest."

Society lay Council member, Alan Kershaw said: "I am not a pharmacist but as a member of the public, I would expect the profession to be governed by the same principles as those that apply to other healthcare professionals. Anyone can make an error, especially when under pressure, and the consequences for a patient can be tragic. But for a pharmacist to automatically face the prospect of the police on their doorstep, for a single error, is simply not the best way to secure standards. It must discourage pharmacists from reporting and learning from such errors. This cannot be in the public interest".

Ends

**For media enquiries please contact the
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Notes to editors

The online petition can be viewed at:

http://www.gopetition.com/online/27343.html?dm_i=EQ,Z5D,7Q2JH,25FB,1

1. The Society is an enforcement authority under the Medicines Act 1968 ('the Act') and it also has regulatory policies in place regarding dispensing errors. However, other organisations such as the police and the Medicines and Healthcare products Regulatory Agency (MHRA) also enforce certain provisions in the Act. The Crown Prosecution Service (CPS), who prosecute on behalf of the police, may institute criminal proceedings for serious

criminal breaches, for example, gross negligence manslaughter. There are therefore instances where police/CPS involvement is wholly appropriate.

2. The MHRA is currently undertaking a project to consolidate and review the legislation. The RPSGB has submitted a concept paper to the MHRA as part of their review project, available on the website: <http://www.rpsgb.org/pdfs/consdoc1754.pdf>.

In this submission, the RPSGB has urged the MHRA to specifically review section 64 of the Medicines Act 1968 with a view to exclude dispensing errors made by pharmacists.