

PE1627/G

Scottish Government submission of 9 March 2017

Thank you for your letter of 20 January in which you have sought the views of the Scottish Government on petition [PE1627](#). I note that the petition calls on the Scottish Parliament to urge the Scottish Government to provide for consultation with, and consent from, a parent or guardian before prescribing medication to treat mental health problems if the patient is under 18 years of age.

I am grateful to the Public Petitions Committee for giving the Scottish Government the opportunity to comment on these important matters and thank Mrs McKenzie for raising them at what must be a very difficult time.

The Scottish Government expects anyone with a mental illness to receive the same standard of care as people with physical illness and that they should only receive medication if they need it. Any drugs that are prescribed must be in line with good clinical practice, including on-going supervision by health professionals to ensure that patients only remain on these drugs for as long as it is appropriate for or their individual condition.

The Scottish Government expects all general practitioners and medical staff working in NHS Scotland to comply with the General Medical Council's guidance on assessing a person's capacity to consent to treatment and to discuss with them the effects or risks when prescribing drugs. This applies regardless of whether the person receiving care is legally classed as a child or an adult.

The current arrangements are designed to underpin the delivery of safe, effective and person-centred healthcare and to provide clarity for both young people and medical professionals. The capacity to consent depends more on young people's ability to understand and weigh up options than on age. The General Medical Council (GMC) has produced guidance to support doctors in safeguarding and protecting the health and well-being of children and young people. The [0-18 years: guidance for all doctors](#) focuses on providing care for children and young people until the age of 18. Doctors must follow all GMC guidance and serious or persistent failure to do so will put their registration at risk.

In the Chief Medical Officer's Annual Report for 2015/16: [Realising Realistic Medicine](#), Dr Catherine Calderwood announced that the consent process for people who receive care and support in Scotland will be reviewed by the Scottish Government, General Medical Council and the Academy of Medical Royal Colleges.. A task and finish committee set up for reviewing consent met for the first time in February. The review is intended to update the advice provided to clinicians following the Supreme Court's ruling on the Montgomery case. The review will also develop supporting materials and tools to help embed the principles of the guidance into practice. The important issues raised by Mrs McKenzie will be considered as part of that review.

I hope this is helpful to the Committee's consideration of Petition PE1627 but would be happy to provide further information if that is necessary.