

CHANGES TO FIREARMS LICENSING MEDICAL PROCESS

Effective immediately, Bedfordshire, Cambridgeshire & Hertfordshire Police, in collaboration with Cambs LMC and Beds & Herts LMCs, will be changing the way they process applications for Shotgun Certificates (SGC) and Firearm Certificates (FAC). The LMC has been working closely with the police in recent months to agree a new, standardised medical process which both satisfies the police's requirements for public safety whilst also minimising workload and medico-legal risk upon GPs.

Why is the system changing?

Under the old system, the police have written to a patient's GP asking whether the applicant has a history of any of a list of diagnoses of concern. A lack of reply from the GP after 21 days results in assumption by the police of no concerning history and consequent grant of the certificate. The police are concerned this system risks important medical history being missed if the GP fails to respond at all. Furthermore, the LMC is concerned that there is a presumption that a lack of response equates to the absence of any given diagnoses places GPs at unacceptable medicolegal risk. BMA guidance also makes it clear that failing to respond at all to the letter places the GP at professional risk.

What is changing?

Bedfordshire, Cambridgeshire & Hertfordshire Police will no longer accept any SGC/FAC application unless it is accompanied by a completed standardised proforma which the applicant will ask their GP to complete. Therefore, from the GP's perspective the only change is that the applicant will now be asking them to confirm/deny the presence of any diagnoses of concern rather than the police.

What will the proforma contain?

The proforma has been designed to have tick boxes to confirm the presence of any of the listed diagnoses of concern. There will be a separate section for the GP to write pertinent **factual information** such as the onset time, symptoms, treatment and any referrals as well as when the patient was last seen with the problem. It should be noted that the form asks for **factual information** only, GPs should **not give an opinion** on the fitness of the applicant to possess a firearm – that is a matter for the police to decide.

Fees

The medical process of firearms applications falls outside of core GMS contractual obligations and therefore attracts a private fee. It is not the role of the LMC to prescribe a set fee for such work. It should be noted that it is up to practices to set their own fee, and make these clear to patients in advance. Also, practices are free to charge more or less than the advised fee range depending on the workload and complexity of each individual case, considering the following:

- GP time – This could be anything from 30 mins to 1 hour on average, depending on whether it is a grant (new) or renewal (subsequent) application, and on the complexity of the patient's medical history
- Admin costs including audit
- Indemnity costs – The CNSGP indemnity scheme does not cover firearms applications and individual personal indemnity is needed to cover the medicolegal risk of this work, this cost should be considered
- Overheads

Conscientious Objection

The LMC reminds GPs that they have a right to conscientiously object to the firearms medical process where they have a genuine ethical and/or religious reason for doing so in line with GMC and BMA guidance. In such cases, the practice should consider using the template letter that we have formulated and make it clear to patients in advance which GPs conscientiously object and where an applicant requests completion of a medical proforma a conscientiously objecting GP should either:

- Direct the applicant to another GP in the practice who is able to complete the form, or
- If no such GP is available, complete the attached conscientious objection letter and hand it to the applicant in lieu of the medical proforma

The LMC reminds GPs that to refuse to engage with the medical process of firearms licensing for any reason other than genuine ethical/religious conscientious objection places you at medicolegal and professional risk.

Review

Bedfordshire, Cambridgeshire & Hertfordshire Police and the LMC will continue to review and monitor the local firearms medical process and encourage GPs to contact the LMC on the email below with any concerns, queries or other issues that arise. We continue to work closely with the Police locally to ensure a system which does not place excess workload or risk on practices.

What to do now?

If you are unsure on how to respond to these letters, guidance can be found at <https://www.bma.org.uk/advice/employment/ethics/ethics-a-to-z/firearms>

Please also refer to the attached guidance documents which we have tried to make as comprehensive as possible.

Your GP's Name:
Address:
Postcode : Dear Doctor

Your Name
Your date of birth
Your address

I intend to apply for / renew a Firearms / Shotgun / Explosives licence. I am required to supply a factual medical report to police Firearms Licensing department, which I am willing to pay for. Should a fee be payable please forward an invoice to my home address / e-mail me a copy.

If you are in any doubt about providing this information, please see the website of the BMA where advice and guidance is provided for GP's <https://www.bma.org.uk/advice/employment/ethics/ethics-a-to-z/firearms>

The report will need to include whether or not I have ever been diagnosed with or been treated for the following conditions/illnesses:

- Acute Stress Reaction or an acute reaction to the stress caused by a trauma
- Suicidal thoughts or self-harm
- Depression or anxiety
- Dementia
- Mania, bipolar disorder or a psychotic illness, or a personality disorder
- A neurological condition: for example, Multiple Sclerosis, Parkinson's or Huntington's diseases, or epilepsy
- Alcohol or drug abuse
- Any other mental or physical condition which may be of concern

Can I please request that only information relating to the relevant medical conditions impacting upon my suitability to possess a Firearm, Shotgun or Explosives are commented upon. The provision of a simple print out of my medical history will not be acceptable for this purpose.

Once the attached proforma has been completed please return to me – (Select one of the following);

By post to the above address / Send a PDF version to my e-mail address

Please note that the Police are seeking **factual information** about my health and wellbeing and **are not** asking you to make a decision or give an opinion on whether I am granted a Firearms/Shotgun/Explosive license, the responsibility to make this decision lies solely with Police.

Furthermore, Police request that as per Home Office Guidance (Firearms Licensing) that a 'flag' or reminder code is placed on my record which would enable police to be made aware should any relevant new condition come to light in the future.

Police agree to inform you should my application be refused or my license revoked.

I would be grateful if you could expedite as soon as possible.

Yours sincerely,

Signature;



Cambs LMC
Representing • Supporting • Advising



Working in partnership for excellence in General Practice

Medical Information proforma

Any attempt at amending this form after the GP has completed it is a criminal offence under Section 28A(7) of the Firearms Act. If you knowingly or recklessly make a false statement for the purpose of procuring the grant or renewal of a certificate, the maximum penalty is six months imprisonment and/or a fine.

Please note that Police are seeking your professional opinion on the patients' health and wellbeing and are not seeking that you make a decision on whether they should be granted a Firearms or Shotgun certificate. The responsibility to make this decision lies solely with Police.

GRANT (First Application). <input type="checkbox"/>	RENEWAL (Subsequent application) <input type="checkbox"/>
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APPLICANT DETAILS			
Title:		Full Name:	
Home Address:			
Date of Birth (dd/mm/yyyy)			
MEDICAL INFORMATION <i>(to be completed by GP)</i>			
<i>Please check the patients' medical record for any history (whole record for a grant application, last 10 years only for a renewal) of the following and tick those that apply. If you tick "YES" to any of the following please add further details in the box below to include medication, dosage, date of diagnosis and prognosis. Please limit these details to a statement of fact and not an opinion.</i>			
Acute stress reaction as a result of a trauma	Yes <input type="checkbox"/> No <input type="checkbox"/>	Personality disorder	Yes <input type="checkbox"/> No <input type="checkbox"/>
Suicidal Thoughts or self-harm	Yes <input type="checkbox"/> No <input type="checkbox"/>	Any severe neurological impairment (eg Parkinson's, Huntington's, epilepsy or any condition which has required consultation by a neurologist)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Depression or anxiety	Yes <input type="checkbox"/> No <input type="checkbox"/>	Alcohol or drug abuse	Yes <input type="checkbox"/> No <input type="checkbox"/>
Dementia	Yes <input type="checkbox"/> No <input type="checkbox"/>	Any other mental or physical condition of concern	Yes <input type="checkbox"/> No <input type="checkbox"/>
Mania, Bipolar disorder or psychotic illness	Yes <input type="checkbox"/> No <input type="checkbox"/>	Terminal illness within the last 2 years	Yes <input type="checkbox"/> No <input type="checkbox"/>

Full details if answered yes to any of the above

Large empty rectangular area for providing full details.

Green horizontal separator bar.

Name of GP:		GP STAMP
Signature of GP:		
Date:		

GUIDANCE NOTES:

This form has been designed and agreed jointly by the Firearms Licensing Dept of Bedfordshire, Cambridgeshire & Hertfordshire Police the Cambridgeshire Local Medical Committee (LMC) and the Bedfordshire and Hertfordshire LMC. The applicant should fill in their personal details and then request their GP complete the rest of the form. **A fee may be charged by the GP prior to completion. GPs should refer to the LMC guidance below**, and the guidance of the British Medical Association which can be found at: <https://www.bma.org.uk/advice/employment/ethics/ethics-a-to-z/firearms>

GPs are directed to the **accompanying LMC guidance document** for further information on this medical process.

INTRODUCTION:

Cambs LMC, Beds & Herts LMC and Bedfordshire, Cambridgeshire & Hertfordshire Police have worked together to create this form and a medical process which meets the following criteria:

- Maximises public safety
- Minimises workload upon both the Firearms Licensing Department and GPs
- Provides clarity and consistency to applicants across Bedfordshire, Cambridgeshire & Hertfordshire

The applicant should ensure this form is completed prior to submitting an application and the completed form should be return by the GP to the applicant to be submitted with the rest of their application documents.

GENERAL GUIDANCE TO GENERAL PRACTITIONERS:

The British Medical Association (BMA) advice to GPs regarding shotgun and firearm licensing emphasises GPs must engage with the process of licensing. BMA guidance advises GPs to select one of five possible responses, which are:

1. Refusal due to conscientious objection
2. Refusal due to lack of expertise*
3. Completion of report for a fee
4. Completion of summary for a fee
5. Completion of report/summary for no fee

The purpose of this standardised form is for it to be used where the GP has opted for response 3, 4 or 5. As independent contractors, GPs remain free to select options 1 if they so wish, and remain free to use their own form/letter in place of this one for options 3,4 & 5 where they so wish.

****It should be noted that option 2 should not be used in Cambridgeshire, Bedfordshire or Hertfordshire, as this applies to police forces which request a GP opinion rather than a factual statement.***

DATA PERIOD:

- It has been agreed between the LMC's and the Police that for **new grant** certificates, in the interest of public safety, records should be checked **as far back as records in the possession of the GP go**, with paper records checked where present. GPs should also specify the date of the first entry in the records in the box provided. The increased workload for grant applications attracts a consequent higher fee than for renewals (see below).
- For **renewal** applications, Cambs LMC and the Police have agreed records need only be checked as far back as **10 years** before the date the form is signed. GPs are not responsible for any data which is not within their possession, and in such cases, it is up to the Police to decide whether to grant the application.

CONSENT:

As the form is filled in by the GP at the direct request of the patient, and handed to the patient on completion, no written consent is required.

FEES:

BMA guidance makes it clear that providing medical information for shotgun or firearm certificates is not NHS work and falls outside the contractual obligations of GPs. Thus, GPs are entitled to remuneration for this work and may withhold the work until payment is made. **Such a fee must be paid by the applicant.** Your LMC cannot prescribe a set fee for legal reasons. However, we can advise practices on how to calculate their fee based on the guidance of the Professional Fees Committee (PFC) of the BMA. The BMA PFC is currently finalising definitive guidance on all fees including firearms, and these are due to be updated imminently. In the meantime, pending such guidance, we advise practices to set a fee considering the GP time required, administrative burden to the practice, overheads, indemnity and other such costs.

On average the amount of GP time taken for these reports should be approximately 30 mins for a renewal (subsequent application) and 1 hour for a grant (new application). Some cases may take more or less time than this and practices may adjust their fees accordingly. The LMC's reminds practices it is their responsibility to set their own fees and to make patients aware of these fees prior to the work being undertaken.

FURTHER REPORTS:

Occasionally, when required, following the receipt of this form the Police may need to contact other clinicians such as consultants for a specialist opinion. Such reports fall outside the scope of this form and are not the responsibility of the GP to source.

FLAGS:

BMA guidance is currently unclear regarding putting flags on the notes that the shooter holds a Firearm/Shotgun Certificate, but the BMA expresses concerns regarding the imprecise nature of flags, protocols regarding their removal and the ability to monitor diagnoses of concern. Cambs Beds and Herts LMC's are concerned that placing flags on notes may equate to the GP accepting responsibility for active monitoring of the patient, which attracts medicolegal risk and excessive workload. Home Office Guidance to the Police (Firearms Licensing) asks GPs to place a firearm reminder code on the patient's record, however, this guidance has no statutory footing. Therefore, the LMC recommends that **GPs are not required to place such a flag on the patient's record.**

RESPONSIBILITY:

It remains the ultimate responsibility of the Police to decide on the grant/refusal of any shotgun or firearm certificate. The role of the GP is information provision by way of statement of fact only.

AUDIT:

In the interests of public safety, the Police reserve the right to check the accuracy of for

Sample Conscientious objection letter

[Practice Address 1]

[Practice Address 2]

[Practice Address 3]

**FAO: Firearms and Explosives Licensing
Bedfordshire, Cambridgeshire & Hertfordshire**

Date:

Dear Sir/Madam,

RE: FIREARMS LICENSING [PATIENT NAME – DOB]

I have received a request for medical information relating to the above-named individual for the purposes of assessing them for suitability in issuing them with a shotgun/firearm certificate.

I am unable 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.

I am aware it is a matter for the police to decide whether or not to issue a certificate, in line with guidance jointly agreed between Bedfordshire, Cambridgeshire & Hertfordshire Police and Cambridgeshire LMC.

Yours faithfully,

Signature of GP _____