

Appendix 11: Firearms Licensing and Medical Information

This section sets out the referral system on the medical suitability of firearm and shotgun certificate holders introduced on 1 April 2016, expanding on the information contained in chapters 10 and 11 concerning firearm and shotgun licensing, and chapter 12 on suitability. The guidance on medical evidence applies in England and Wales. As processes in Scotland may differ separate guidance is being issued regarding medical information in Scotland.

The firearm and shotgun application forms apply in England, Wales and Scotland. The application forms appear on separate pages on the Gov.UK website.

This section contains the following documents:

- Document A Information sharing between GPs and police
- Document B Process and flowchart
- Document C Factsheet

Annex A: GP and Police Information Sharing Guide

Principle underlying the sharing of data on firearm and shotgun applicants

1. Information sharing between GPs and police firearms licensing departments can be necessary in order to reduce the risk to public safety which may occur if a medically unfit person possesses firearms.
2. Information may be shared by GPs with the police as part of the application process, or if the GP considers that the public could be placed at risk of serious harm if they do not make their concerns about a firearm certificate holder known to the police. This is on the basis of the GP's duty to protect and promote the health of patients and the public¹. GPs may disclose information with consent and, if it is in the public interest, without consent to protect individuals or society from risk of serious harm².
3. The GP's authority to provide medical information to the police is in accordance with Schedule 3 of the Data Protection Act 1998, which stipulates that certain conditions must be met for sensitive personal data to be shared.
4. Medical information provided by the GP to the police will be copied to the applicant or certificate holder unless there is a strong reason not to do so.
5. Due care must be exercised by both the police and the GP with regard to the security of information held concerning the applicant or certificate holder.

Consent

6. The applicant gives their consent to sharing of information by their GP when they complete and sign the firearm and shotgun certificate application form. The applicant consents to the information sharing while the firearm or shotgun certificate remains valid, and not just at the time of application.
7. The police will refuse the application if the consent section has not been signed. This being the case the GP can assume that consent has been given if an enquiry or notification is received from the police.

1 General Medical Council (2013) Good medical practice, 'Duties of a doctor registered with the General Medical Council'.

2 General Medical Council (2009) Confidentiality, paragraphs 36 to 56.

Application process: GP input

8. Applicants for a firearm or shotgun certificate are required to declare any relevant medical conditions on the application form. As part of the application process the police may ask some applicants to obtain and pay for a medical report to assist with their consideration of medical suitability. The medical report should be provided to police normally within one month of their request. If a further medical report by the GP or specialist is subsequently required by police, the police will pay the fee.
9. Following grant of the certificate the police will contact each certificate holder's GP to ask them to place an encoded reminder on the patient record so that the GP is aware the person is a firearm certificate holder. This enables the GP to inform police if they have concerns about the person's medical fitness which arise during the validity of the certificate. The letter explains that the police will inform the GP if the certificate subsequently lapses or is revoked or cancelled. In most cases the GP will not have been contacted by police during the application process (as this will usually only happen if the applicant has declared a medical condition), and the letter will normally ask if the GP has concerns about the person's possession of a firearm certificate or if they have suffered from a relevant medical condition which could affect their suitability to safely possess a firearm or shotgun certificate.
10. Following contact from the police indicating that a person has been granted a firearm or shotgun certificate the GP will make an initial check and place the firearms code, and advise the police whether they have any concerns about the person's possession of guns based on the medical record over the previous five years. If the police have concerns about a person's medical condition as a result of the GP's response, the GP may be asked to compile a report about the health of the person which will be requested and paid for by the police.
11. The GP or GP's surgery should ensure that a response is provided to the police letter. In most cases the GP's response will indicate that they have no concerns. The police letter will make it clear that if the GP fails to respond within 21 days the police will draw the inference that the GP has no concerns.
12. If the GP fails to respond to the police letter because it has been lost in the post or has been mislaid the letter will not be attached to the patient record. In these circumstances there can be no expectation that the GP would be able to respond or provide information concerning a person's medical fitness. If the GP feels unable to participate on the basis of a conscientious objection, or for any other reason, they should refer the patient to a colleague if possible. If no colleague is willing or available, the GP should inform the police immediately that they will not be able to complete the form. In the unlikely event that this arises the police should discuss with the applicant/certificate holder how to obtain adequate medical information. The applicant or certificate holder should not be disadvantaged, nor the application delayed, by a GP's refusal to provide medical information.

Encoded reminder on records of patients who are certificate holders

13. An encoded reminder should be placed on the GP record to indicate that the patient is a firearm or shotgun certificate holder.
14. If a GP has concerns about a certificate holder's medical fitness during the validity of the certificate they should make these concerns known to the police. This might be, for example, if a certificate holder experiences deterioration in their health due to the onset of depression. This action will enable the police to make further enquiries and take a decision on the ongoing suitability of the person concerned to possess guns.
15. The GP should seek the consent of the certificate holder to make this disclosure, unless there is a compelling reason for not doing so, for example, because it could increase the risk of harm to the certificate holder or others. If consent is refused, the GP may disclose information if it is in the public interest to protect individuals or society from risk of serious harm.
16. If the police consider that they need a medical report in order to be able to make their decision on whether a person continues to be suitable to possess a gun, they will request this from the GP and pay for the report.
17. When a person ceases to be a certificate holder, either through their certificate expiring or being revoked or cancelled, the police will contact the GP within one month to advise them of this and ask them to inactivate the encoded reminder.

Necessity and Proportionality

18. During the application process, the police may require the applicant to obtain a medical report if they have concerns about the medical fitness of the applicant in relation to their possession of firearms following the declaration of a medical condition.
19. It is not necessary or proportionate for the police to request a report in all cases where the applicant has declared a medical condition, but only where the circumstances of the condition/s indicate there may be a risk to public safety.
20. GPs will respond to requests from the police in relation to those applications where the police consider that a medical report is necessary to assist with their further consideration of the application. GPs will provide factual information based on the applicant's medical records and condition. GPs are not expected or required to make an assessment as to whether the applicant is fit to possess a gun, though it is open to them to do so.
21. There may be instances when a GP wishes to communicate their concerns about an individual's access to guns, even though the person concerned has not sought treatment for one of the relevant conditions listed on the application form and police letter. For example, if there are concerns about domestic violence, or if the GP is aware that a person has access to firearms but is not a certificate holder. In these circumstances information may be shared with the police on the basis that the applicant has given their consent on the application form, or on the basis that it is in the public interest.
22. There may also be instances where the certificate holder contacts the police in relation to their medical fitness, or where a third party contacts the police with concerns about a certificate holder's suitability to possess firearms. In such cases GPs may share

information with the police on the basis that the applicant has given their consent on the application form, or because it is in the public interest.

23. Information should only be shared where it is strictly necessary to the intended outcome and is proportionate to it. Key to determining the necessity and proportionality of sharing information will be the GP's professional judgement of the risks posed to an individual or the public by the person's possession of a firearm. This is commensurate with the general duty on doctors to protect and promote the health of patients and the public.

Responsibility for assessment of firearm and shotgun applications

24. The police are responsible for deciding whether an individual should be permitted to hold a firearm or shotgun certificate, taking into account the information available to them. This duty lies with the police on the basis of the provisions in the Firearms Act 1968.

Sharing of data by public bodies

25. The sharing of data by public sector bodies must satisfy the requirements of the Data Protection Act, the Human Rights Act and the Common Law Duty of Confidentiality.
26. The information collected by organisations must comply with the relevant national guidelines and/or legislation for the management of information. For the police these are outlined in the Management of Police Information (MOPI) 2010, in particular section 7 which relates to the review, retention and disposal of information. For GPs, these are covered by the General Medical Council guidance and the NHS Code of Practice.

Summary of medical fees

During the application process

- Where a medical report is required due to the applicant declaring a medical condition – the applicant will pay the fee.
- If a further medical report is required – the police will pay the fee.

During the validity of a firearm or shotgun certificate

- Initial check of patient record in response to standard police letter – there is no expectation of a fee.
- Where a medical report is required due to the GP raising concerns or because the police require sight of a medical report for another reason – the police will pay the fee.

Annex B: GP and Police Information Sharing: Process

Completion of application form

1. The applicant is required to declare any relevant medical conditions on the firearm and shotgun application form. (This is in relation to the issue of a firearm or shotgun certificate in accordance with sections 1 and 2 of the Firearm Act 1968.) They send the application to the police.
2. If the applicant has declared a relevant medical condition (see list of relevant medical conditions below) the police may ask the applicant to obtain and pay for a medical report to assist with their consideration of medical suitability. The medical report should be provided to police normally within one month of their request. If a further medical report is required the police will pay for this.

Police make decision on application

3. Having carried out the necessary checks which will in some cases include visiting and interviewing the applicant, the police decide whether to approve or refuse the firearm or shotgun application. In coming to their decision they take into account all the facts of the case and the evidence before them, including medical information.

Letter from police to GP following certificate grant

4. Following grant of the certificate the police will contact each certificate holder's GP to ask them to place an **encoded reminder** on the patient record so that the GP is aware the person is a firearm certificate holder. The code indicates that the person concerned 'has a shotgun certificate' and/or 'has a firearm certificate.' This enables the GP to inform police if they have concerns about the person's medical fitness which arise during the validity of the certificate. The letter explains that the police will inform the GP if the certificate subsequently lapses or is revoked or cancelled.
5. In most cases the GP will not have been contacted by police during the application process (as this will usually only happen if the applicant has declared a medical condition), and the letter will normally ask if the GP has concerns about the person's possession of a firearm certificate or if they have suffered from a relevant medical condition (over the previous five years) which could affect their suitability to safely possess a firearm or shotgun certificate. There is no expectation of a fee being charged for this check.
6. The letter from the police to the GP sets out the following conditions which could affect a person's suitability to possess a firearm or shotgun:
 - 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
- 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 affect the safe possession of firearms or shotguns.

GP responds to police letter and indicates if they have concerns

7. The GP should respond to the police by letter or email within 21 days to indicate whether they have concerns. If the GP indicates that they have concerns or there are relevant issues the police may request and pay for a medical report. If the GP does not respond to the police letter, the police may conclude that the GP has no concerns.

Encoded reminder: GP can contact police if medical issue arises

8. During the validity of the firearm or shotgun certificate the presence of the encoded reminder will enable the GP to discuss the issue with the patient and consider notifying the police if a person's health gives rise to concern, or if they begin to be treated for a relevant condition. If the police request a medical report during the validity of the certificate they will meet the cost of this. The medical report should be provided to the police and copied to the applicant normally within one month.

Police advise GP if licence expires or is revoked

9. If the certificate holder ceases to have a firearm or shotgun certificate, whether as result of expiry or because the certificate has been revoked or cancelled, the police will inform the GP within one month, and the GP will then inactivate the firearm code.

Summary of medical fees

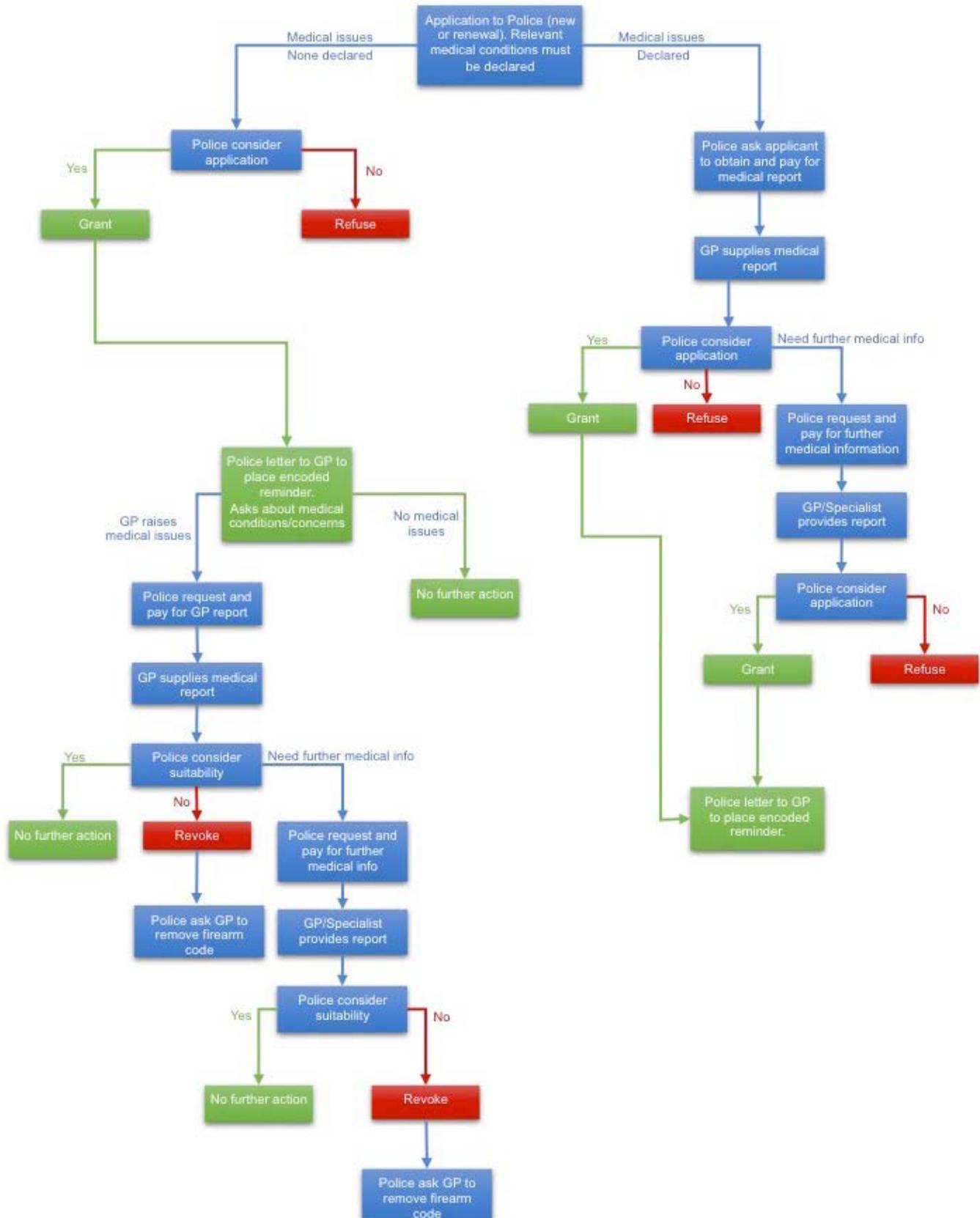
During the application process

- Where a medical report is required due to the applicant declaring a medical condition – the applicant will pay the fee.
- If a further medical report is required – the police will pay the fee.

During the validity of a firearm or shotgun certificate

- Initial check of the patient record in response to the standard police letter – there is no expectation of a fee.
- Where a medical report is required due to the GP raising concerns or because the police require sight of a medical report for another reason – the police will pay the fee

Annex Bi: Firearms Licensing: application process and firearm reminder code



Annex C: Firearms Licensing and Medical Evidence: Factsheet

New referral system of medical suitability of gun owners

A safer system for firearms licensing is being introduced in April to improve information sharing between GPs and police and reduce the risk that a medically unfit person may be able to possess a firearm or shotgun.

From 1 April 2016:

- **On the grant or renewal of a firearm or shotgun certificate police will ask every certificate holder's GP if the patient suffers from specific health issues (see below).**
- **GPs will be asked to place a firearm reminder code on the patient's record.** This means the GP will know the person is a gun owner, and they can inform the police licensing department if the patient's health deteriorates after the certificate is granted.
- **New guidance is being published to help GPs and police operate the new system, and to inform certificate holders and applicants.** Responsibility for deciding if a person is suitable to hold a firearm or shotgun certificate remains with the police.

Why is the system changing?

The new system has been developed following recommendations for change from coroners and the IPCC, and after the British Medical Association voiced concerns about weaknesses in the current process. It has been developed by the police and GP representatives, in conjunction with shooting organisations and the Information Commissioners Office.

Further improvements are planned for introduction later this year when police will contact each applicant's GP during the application process instead of after the certificate is granted. Guidance will be issued prior to introduction of these additional improvements.

What types of application will the new system apply to?

The new system will apply to every application for the grant or renewal of a firearm or shotgun certificate in England and Wales on or after 1 April 2016.

Will these changes be introduced across the UK?

The new system will be introduced in England and Wales on 1 April. Because processes in Scotland may differ, separate guidance is being issued regarding medical information in Scotland. The firearm and shotgun application forms apply in England, Wales and Scotland. The new system does not apply to Northern Ireland which has separate firearms legislation and processes.

What fee will the GP charge for the report if one is needed?

The level of any fee charged will depend on factors including the amount of time spent by the GP in compiling the report.

If a medical report is needed, who will pay?

During the application process

- Where a medical report is needed because the applicant has declared a medical condition on the application form – the applicant will pay the fee.
- If a further medical report is required – the police will pay the fee.

During the validity of a firearm or shotgun certificate

- Initial GP check of the patient record in response to the standard police letter – there is no expectation of a fee.
- Where a medical report is needed because the GP has raised concerns or because the police require sight of a medical report for another reason – the police will pay the fee.

Will applicants still need to declare on the application form if they are suffering from a medical condition which could affect their ability to possess a gun safely?

Yes, applicants will still need to declare relevant medical conditions (and these are listed in the Notes to Form 201 and below).

What medical conditions must be declared?

Relevant medical conditions are:

- Acute Stress Reaction or an acute reaction to the stress caused by trauma
- Suicidal thoughts or self harm
- Depression or anxiety
- Dementia
- Mania, bipolar disorder or a psychotic illness
- 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 might affect your safe possession of firearms or shotguns

How will introduction of the GP firearms code make the process safer?

At present there is no system in place to remind the GP that their patient is a gun owner. A person could be medically fit when they are granted a certificate (which lasts for five years), but their health could deteriorate later on. The reminder code enables the GP to discuss the issue with the patient and if necessary inform the police, who can then review the person's suitability.

How long will the firearms code stay on the patient record?

The 'live' firearm code will remain on the patient record while the firearm or shotgun certificate is valid. Police will inform GPs when certificates are revoked, cancelled or expire so that GPs can inactivate the firearm code. The code and any information related to it will remain indefinitely on the patient record but in an 'inactivated' state.

Why have the firearm and shotgun application forms been amended?

The forms have been amended to reflect the new process and so that applicants understand how their medical information may be shared between GPs and police. The new firearm and shotgun application form is Form 201, and this also contains the Notes which will assist with completing the application. The new firearm variation form is Form 201V.

Will police still accept applications made on the old application form?

Applications may be submitted to police on the old application forms provided that they are received by the police on or before 1 June 2016. After this transitional period the new application forms must be used. The new forms can be downloaded from police websites and may be typed or handwritten.

What happens if my GP does not want to operate the new system?

Another GP in the practice can provide the information. If this is not possible, you should discuss this with the police firearms licensing department. Applicants and certificate holders should not be disadvantaged if their GP does not provide the information needed.

Will this mean the grant/renewal process will take longer than it does now?

No. From 1 April each certificate holder's GP will be contacted by police following grant of the certificate. Liaison between the police and GPs prior to grant of the certificate will occur in a minority of cases, as happens now.

How will I know that information about guns in my house will not fall into the wrong hands?

Due care will be exercised by GP practices in relation to information about firearms in the same way that sensitive medical information is handled.

Where can I obtain more detailed information about the new system?

Guidance documents setting out how the new process works are available on Gov.UK as part of the Home Office Firearms Guide.