

Monitored Dosage Systems (MDS) and The Equality Act 2010

Guidance for pharmacy teams – July 2019

Summary:

- It is entirely the pharmacist's decision as to what, if any, is an appropriate "reasonable" adjustment/s for each individual patient, not a care worker or other healthcare professional.
- There is no provision within the NHS for MDS packs to be provided for convenience, for instance if the person with a disability has a professional carer whose role includes assisting with the administration of the person's medicine.

What are the main points?

- The Equality Act obliges community pharmacies to make "reasonable adjustments" to ensure persons with disabilities can access pharmacy services. These adjustments are decided solely by the pharmacy, not by any other healthcare professional or care worker.
- There is a resource kit, commissioned by the Department of Health, to help pharmacists with their decision making process. Most of the larger pharmacy chains will have their own version of this type of resource kit – there is not a single 'correct' or 'official' version; the ultimate decision is a professional decision.
- MDS packaging is just one of a number of "reasonable adjustments" and the pharmacist will consider which is most appropriate for the patient as part of the assessment process. Other options include the use of reminder charts, large print labels, medicines administration record (MAR) charts, or provision of information sheets to patients.
- The first consideration is whether the person has a disability as defined by the Equality Act.
- If the person is disabled, the pharmacist must then decide whether any "reasonable adjustment" can be made to overcome obstacles to accessing a service that they provide.
- Provision of an MDS pack might be an appropriate "reasonable adjustment" for one person, but completely inappropriate for another (for instance someone suffering from confusion).
- There is no link between the period of treatment covered by a prescription and the provision of an MDS device – for instance a 7 day prescription may be dispensed in original packaging and a 28 day prescription in an MDS device.

Where can I find more information?

- for a good general overview read '**Equality Act 2010 – a quick reference guide**' from the PSNC at <https://psnc.org.uk/contract-it/psnc-briefings-pharmacy-contract-and-it/psnc-briefing-06017-equality-act-2010-a-quick-reference-guide-august-2017/>
- Information about MDS usage in general is covered by the RPS publication '**Improving patient outcomes - The better use of multi-compartment compliance aids**' at <https://www.rpharms.com/Portals/0/RPS%20document%20library/Open%20access/Support/toolkit/rps-mca-july-2013.pdf>
- **The Department of Health resource kit** mentioned above is available on the PCC website at <https://www.pcc-cic.org.uk/article/disability-discrimination-act-resource-kit> - don't be put off by reference to the Disability Discrimination Act, which has been replaced by the Equality Act – the principles of the resource kit are still correct.
- Devon LPC and LMC have a joint statement called **Prescribing Short Interval Prescriptions ; recommended Practice** on the LPC website at <https://devonlpc.org/wp-content/uploads/sites/20/2018/12/Shorter-Prescribing-Periods-Joint-Statement.pdf>
- **Usage of Medicines in Compliance Aids** is a comprehensive information source on the Specialist Pharmacy Service website which can be accessed via <https://www.sps.nhs.uk/articles/usage-of-medicines-in-compliance-aids/>
- If you would like to explore in more depth again, including some FAQs dealing with scenarios that you may face in the pharmacy, there is a fuller PSNC briefing on the Equality Act and how it affects pharmacy '**PSNC Briefing 01/16: Equality Act 2010**' at <https://psnc.org.uk/contract-it/psnc-briefings-pharmacy-contract-and-it/psnc-briefing-00116-psnc-briefing-0116-equality-act-2010-january-2016/>
- There is also NICE guidance covering MDS amongst other issues - **Managing medicines for adults receiving social care in the community** is summarised in a NICE Bites document at <https://www.sps.nhs.uk/wp-content/uploads/2017/05/NICE-Bites-Apr-2017-Man-Med-Social-Care.pdf> or in full on the NICE website at <https://www.nice.org.uk/guidance/ng67>
- If you work for a company, or are a member of the NPA, Numark or similar then it is worth exploring what information and guidance you might have specifically for your workplace.

All of these information sources have plenty of references to further information again – though it is worth bearing in mind that web addresses change, so you might need to search for relevant resources as some of the links in these references have been superseded. Links checked 12.11.19