

25 July 2012

Our Ref: IAT/ME/F12/4568

**General
Medical
Council**

Dr Helen Bright

By e-mail only

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Dear Dr Bright

Freedom of Information Act 2000 (FOIA) - Request

I apologise for the long delay in responding to your e-mail of 19 April 2012 in which you ask for information about doctors who have died whilst there was an ongoing fitness to practise matter concerning them.

I can confirm that for the period 2004 until 19 April 2012 (the date that we received your request) a total of 92 doctors were erased from the register as deceased and, at the time of their erasure, had an open fitness to practise case concerning them.

The ethnicity breakdown of this group is as follows:

- Asian or Asian British = 4
- Mixed = 1
- Other ethnic group = 3
- White = 19
- Unknown = 64
- Black or Black British = 1

I can further confirm that, of the 92 doctors mentioned above, there were 6 that had been referred to a fitness to practise panel hearing but who died prior to the commencement of that hearing. These doctors were as follows:

- Dr David Duncan
- Dr Tanveer Nayani
- Dr Christopher Cahill
- Dr Graham Belham
- Dr Joseph Montgomery
- Dr Magdy Hend

You have also asked for the identity of the entire group. I can confirm that we do hold this information but that I consider that an exemption, set out in the FOIA, applies to it. The exemption that applies is:

Section 31(1)(g) leading to section 31(2)(d) - Law enforcement. This relates to information which, if disclosed, would be likely to prejudice our regulatory function of ascertaining a person's fitness or competence in relation to their profession.

To explain, we only disclose the fact a complaint has been made against a doctor if the complaint progresses to a Fitness to Practise Panel hearing (we publicise upcoming hearings 28 days before such a hearing is due to commence), or results in a warning on a doctor's registration. This is because we believe that it is reasonable for doctors to expect that details of complaints made against them would remain confidential, and would not be publicly disclosed unless the complaint proceeds to a FTP Panel hearing and/or action is taken on their registration. We believe that this reasonably extends to doctors who have died whilst a fitness to practise case is ongoing and before any decision is taken on their case.

This exemption is subject to a public interest test. We believe that the balance of the public interest lies in withholding this information because to disclose this information would be likely to prejudice our regulatory function. We believe that the knowledge that information of this type is liable for disclosure following the death of a doctor may result in doctors and other third parties being less than candid and unwilling to share confidential information with us during the course of an investigation. This would be likely to result in less effective investigations and would be clearly not be in the interests of the public at large.

You have the right of appeal against our use of this exemption. If you wish to appeal please set out in writing your grounds for doing so and send it to: Julian Graves, Information Access Manager, General Medical Council, 3 Hardman Street, Manchester M3 3AW. Alternatively you can email; jgraves@gmc-uk.org. If such an appeal were unsuccessful you would then have the further right of appeal to the Information Commissioner's Office. If applicable, Mr Graves will provide the relevant details of that route of appeal.

Finally, I can confirm that we do carry out an investigation if a doctor who is in our fitness to practise procedures takes their own life. There are currently 3 such investigations in progress. We do not hold information about ongoing investigations outside the GMC.

I hope that this information is helpful to you and I apologise again for the delay in responding to you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Ellen', with a long, sweeping underline that extends to the right.

Mark Ellen

Information Access Team

Direct Line: 0161 923 6347

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