

Our Ref: FOI/DV945/290310/PS

Commissioning Headquarters
County Hall
Topsham Road
Exeter
EX2 4QL

Responded by email to:
Mr Chillaton
request-31625-eca697ce@whatdotheyknow.com

Tel: 01392 205205

Email:
foi.devonpct@nhs.net
www.devonpct.nhs.uk

24 May 2010

Dear Mr Chillaton

Re: Request for information under Freedom of Information Act 2000

Thank you for your request under the Freedom of Information Act 2000, which was received on 29 March 2010 and to which NHS Devon responded on 26 April 2010, and your request received 27 April 2010 for an internal review of NHS Devon's response.

I am pleased to inform you that I have reviewed the trust's response, and that further information is now being disclosed to you.

You requested the following information:

- 1. Please give the number of formal investigations into primary care general medical performers under fitness to practice procedures commenced each year since Devon PCT was formed.**

Please would you explain how disclosing the numbers of investigations each year might allow individual people to be identified? I fully accept that the identity of a person under investigation should be protected but fail to see how disclosing the numbers of formal investigations commenced each year could lead to any individual's identity being revealed.

NHS Devon would like to apologise for giving an incorrect answer to your first question in our response of 26 April 2010. The number of investigations carried out in any single year is less than five, but the total number is six, as shown below.

Year	Number of investigations into primary care medical performers under fitness to practice procedures
October 2006 – March 2007	2
April 2007 – March 2008	3
April 2008 – March 2009	1
April 2009 – March 2010	0

2. For each investigation, please state whether the Investigating Officer(s) was a clinician or not.

Of the 6 investigations carried out since October 2006, in 4 cases the Investigating Officer was a non-clinician, and in 2 cases there were joint clinician and non-clinician Investigating Officers.

3. For each Investigating Officer, please state what training relevant to the conducting of investigations that officer had received, prior to the start of that investigation.

Your response, does not answer these questions. I did not ask for the composition of a future “investigation support team”.

NHS Devon appoints the Investigating Officer on a case-by-case basis, ensuring that each Investigating Officer has in-depth, relevant experience of the particular circumstances. NHS Devon believes that deploying this experience has significant benefits over simply relying on any specific training.

Three Investigating officers have been deployed on the above investigations.

- a) AD Independent Contractor Performance. Background - Biomedical Scientist; Director of Primary Care; Senior Commissioning Manager; GP Practice Management; Trade Union Convenor; Kings Fund (HQS) Quality Manager; Founder Member of SWP Performance Learning Set. Training - AIMLS, pgDMS, various courses related to HR and Investigation, PMS contract development, QOF implementation and Performance management.
- b) Experienced local GP, and PCT Professional Executive Council member; experience and training relevant to general practice.
- c) Pharmacy Lead. Background – 30 years NHS experience; variety of management roles involving the regulation and contracting for primary care services; local contracting for NHS dentistry services; contract monitoring and performance management ; administering applications to hold contracts under post-1990 regulations for dentists, GPs, optometrists and community pharmacies; local investigation of dental referrals from Dental practice Board; investigation and presentation of dental cases to NHS service committees and tribunals; local contracting for NHS dentistry services; contract monitoring and performance management.

For each of these investigations, the investigating officer was supported during the investigation by a wider group of relevant clinical and non-clinical experts, depending on the nature of the investigation. The following clinical and non-clinical experts have been involved in one or more of these investigations.

- Police
- NHS Counter Fraud
- PCT's Accountable Officer for Controlled Drugs
- National Clinical Assessment Service
- PCT's Prescribing Lead
- Northern Devon Healthcare NHS Trust governance team

4. **Please supply all Devon PCT/NHS Devon policies and guidelines concerning the specialised training required of Investigating Officers prior to their appointment and the dates of and details of any changes to these policies/guidelines.**

I have read policy HR26 that you refer to and find no reference to the specialised training required by Devon PCT/NHS Devon of their Investigating Officers. Does this mean that Devon PCT/NHS Devon has no policy on this matter?

Perhaps it would help if I explained what information I am trying to obtain. NCAS (National Clinical Assessment Service) Guidance states that Investigating Officers conducting performance enquiries should be appropriately trained.

www.ncas.npsa.nhs.uk/EasySiteWeb/GatewayLink.aspx?allId=9419 (see para 16)

Paragraph 16 of the NCAS Investigating Performance Concerns Guidance (November 2007) states “in all cases the investigation should be undertaken by appropriately experienced and trained investigators.” This document does not specify what form this training should take, nor what specific skills and knowledge an investigator should possess.

NHS Devon is satisfied that all investigations into a medical performer’s fitness to practice have been carried out thoroughly and professionally, and that all necessary expertise has been called upon as required.

NHS Devon aims to continually improve all policies, procedures and processes, and recognises that training for Investigating Officers could be improved. At present, NHS Devon has no specific training in this regard.

NHS Devon benchmarks its processes for carrying out fitness to practice investigations with other organisations across the South West peninsula. NHS Devon has no reason to believe that any investigations carried out have been affected by the absence of specific training for the Investigating Officers.

5. **I would like your help to find out whether the Investigating Officers (as described in Policy HR26) that Devon PCT/NHS Devon have used have in fact been appropriately trained.**

Please answer the following additional questions:

- a) **Has Devon PCT/NHS Devon always followed NCAs Guidance that Investigating Officers conducting performance enquiries should be appropriately trained?**
- b) **What type of specialised training does Devon PCT/NHS Devon regard as appropriate before a person can be appointed as Investigating Officer?**
- c) **Has Devon PCT/NHS Devon ever used as an Investigating Officer a person who has not received such appropriate training?**

As stated above, the nature of the “appropriate training” mentioned in the NCAS Guidance is not specified. NHS Devon appoints an Investigating

Officer who has relevant experience in the aspect of fitness to practice being investigated, supported by other experts as required. NHS Devon does not have a specific training requirement for Investigating Officers, and so the answers to each of your additional questions are:

- a) No, because the Guidance does not specify what form this training should take.
- b) NHS Devon does not require any specific training to be undertaken before a suitably experienced person is appointed as an Investigating Officer.
- c) Yes, since there is no “appropriate training” specified in the Guidance.

I trust this matter has been dealt with to your satisfaction but if there is anything which you need further clarification, please do not hesitate to contact myself or the Freedom of Information team on 01392 205205 or by email. Please remember to quote the reference number above in any future communications.

If you are still unhappy following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the PCT internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner’s website, www.informationcommissioner.gov.uk. The Information Commissioner’s address is:-

Information Commissioner's Office
Wycliffe House
Water lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely

Gillian Hoskins
Assistant Director of Integrated Governance
NHS Devon