

5 September 2013

3 Hardman Street  
Manchester M3 3AW

By email to:  
Mrs D Havercroft via [www.Whatdotheyknow.com](http://www.Whatdotheyknow.com)

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Dear Mrs Havercroft

### **Your information request**

Thank you for your email dated 14 August 2013. Your request has been considered in accordance with the Freedom of Information Act 2000 (FOIA).

**a. Whether or not local disciplinary or remedial action was undertaken as a result of the inquiry for any of the individuals concerned (medical directors and other staff)**

**b. Whether or not the Trust/SHA raised the issues with the GMC**

**c. Whether or not any individuals who are registered with the GMC were assessed by the National Clinical Assessment Service in the light of “the problem of the quality of the diagnostic service”.**

Generally, we would only hold information of this nature if it had been shared with us in the context of an enquiry or investigation into a doctor's fitness to practise.

It is only when concerns about a doctor are considered by a Fitness to Practise Panel (FTPP) that information regarding the concerns raised may be made publicly available. We would not confirm or deny whether we hold information about a doctor's fitness to practise which was considered but not progressed to that stage.

Therefore, I can confirm that there have been no FTPP hearings resulting from the inquiry; however, I cannot confirm whether or not we hold any further information received from any source regarding any individual doctor's fitness to practise. This is because we believe the following two exemptions apply:

- Section 40(5)(b)(i) of the FOIA. This exemption relates to the personal data of a third party and states that the duty to confirm or deny whether information is held does not arise if the act of confirmation or denial would breach any of the principles of the DPA. We believe that to publicly confirm or deny whether or not the information requested is held would breach the first principle of the DPA, which requires that the processing of personal data is fair and lawful. We consider that the conditions in Schedule 2 of the DPA, relating to the processing of personal data, are not met and

therefore the release of the information you have requested under the FOIA would be unlawful.

- Section 31(3) of the FOIA. This exemption states that the duty to confirm or deny does not arise if to do so would be likely to prejudice any of the matters mentioned in section 31(1). In this case we believe that confirming or denying whether this information is held would be likely to prejudice our regulatory function, specifically our fitness to practise function (the relevant section is section 31(1)(g), leading to 31(2)(d)).

We believe that confirming whether or not we hold this information would be likely to have an adverse impact on our fitness to practise function. We believe that doing so would discourage individuals or organisations from raising concerns or cooperating with an investigation, if in the knowledge that information about their communication with us, including whether or not that communication took place, may be made publicly available.

This exemption is subject to a public interest test. We believe that the public interest in maintaining the exemption and withholding the information requested outweighs the public interest in disclosure.

You have the right of appeal against this decision. If you wish to appeal please set out your grounds in writing and send to Julian Graves, Information Access Manager, at the address above or email [jgraves@gmc-uk.org](mailto:jgraves@gmc-uk.org). You also have the right of appeal to the Information Commissioner's Office. Their contact details are available at [www.ico.gov.uk](http://www.ico.gov.uk).

I should also add that some information relevant to your request has been made publicly available by the Trust, for example, the statement available at <http://www.uhbristol.nhs.uk/files/nhs-ubht/Statement%20from%20UH%20Bristol.pdf>.

Yours sincerely

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