

Sylvia Rushbrooke  
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Email: [SECSU.FOI@nhs.net](mailto:SECSU.FOI@nhs.net)

7 March 2017

Ref: FOI.16.MERT227

Dear Ms Rushbrooke

### Freedom of Information Act Request

Thank you for your request under the Freedom of Information Act. This response is provided on behalf of NHS Merton Clinical Commissioning Group (CCG).

You asked a series of follow on questions in relation to FOI.16.MERT208:

**1. FOI.16.MERT208 – Question 2**

***Which GPs attended from which surgeries?***

The CCG provided the below response:

*Please note that under Section 40(2) of the Freedom of Information Act (personal information) the names of individual GPs have been redacted. However NHS Merton CCG can confirm that:*

- *Riverhouse Surgery training took place on 16 June 2015 and eight GPs attended*
- *Lambton Road training took place on 24 June 2015 and eight GPs attended*
- *Central Medical Centre training took place on 29 June 2015 and seven GPs attended*
- *Morden Hall Medical Practice training took place on 13 July 2015 and five GPs attended*

*A total of 28 GPs attended the training, in addition to their practice staff.*

**Only 4 practices in Merton were sighted as below - this is 4 out of how many GP practices in Merton?**

The CCG can confirm that it holds this information, but is unable to disclose it under Section 21 of the Freedom of Information Act (information accessible by other means). This is because the number of GP surgeries in the NHS Merton CCG catchment area is in the public domain and can be found here:

<http://www.mertonccg.nhs.uk/about-us/Who-we-are/Pages/What%20is%20a%20CCG.aspx>

**2. Please advise details of where breach of MCA 2005 should be reported to, when GP surgeries do not comply with service users' rights under the Act?**

This would be a safeguarding issue, so any concern should be passed to the safeguarding team. Their details are in the NHS Merton CCG Safeguarding Policy that was sent to you with FOI.16.MERT208.

**3. FOI.16.MERT208 – Question 3  
And supply the training course content?**

The CCG provided the below response:

*The CCG does not hold this information; however, the response to question four includes the learning objectives for this course.*

**Please advise where I can obtain the training course content?**

This information is owned by the training course provider referred to in the response to FOI.16.MERT208. Please note that the training course provider is a private provider of training services and may not wish to share his copyrighted material.

**4. FOI.16.MERT208 – Question 4  
How was the compliance to the MCA 2005 measured with regard to those GPs who attended?**

The CCG provided the below response:

*The training sessions were not designed to measure compliance with the MCA 2005 for attendees. However a formal evaluation of the learning objectives was undertaken to ensure that these were achieved for those who attended. Here are the learning objectives;*

- Awareness of the national agenda
- Knowledge of the statutory principles of the MCA
- Knowledge of the process used to assess capacity and make best interests decisions
- Knowledge of Advanced Decisions to refuse treatment
- Knowledge of Lasting Power of Attorney & Deputyship
- Awareness of the role of Independent Mental Capacity Advocates' (IMCAs)
- Knowledge of Restraint under the MCA
- Awareness of Deprivation of liberty safeguards
- Awareness of new DNAR guidance

**Did the course include the legal rights of LPAs and service users under best interest?**

Please see the response given for Question 4 above. Legal rights would be covered by the statutory principles of the MCA.

**5. FOI.16.MERT208 – Question 5  
Please supply the policy that guides care homes in Merton to comply with the MCA 2005?**

The CCG provided the below response:

*The CCG does not hold the information you have requested.*

*Care homes are required to have their own company MCA/DoLS policy in place that is compliant with Legislation and required for Care Quality Commission (CQC) registration. The CQC require sight of this on inspecting the home. In addition it is the Merton CCG*

*expectation that all providers, including care homes, comply with local and national policy and guidance on MCA.*

*Please refer to NHS Merton CCG's Safeguarding Adults policy attached at Annex A that refers to MCA 2005 and the Care Act 2014 legislation. NHS Merton CCG staff, including commissioners and contract managers, monitors compliance with this requirement at contract review meetings.*

**Please can you supply the Merton policy on MCA 2005 compliance and any other policies relating to best interest?**

NHS Merton CCG does not hold the information you requested as it does not have a stand-alone policy on MCA 2005 compliance.

The MCA is referred to in the Safeguarding Adults policy. The CCG is unable to disclose this policy under Section 21 of the Freedom of Information Act (information accessible by other means) as this document has already been sent to you as part of the response to FOI.16.MERT208.

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[Secsu.foi@nhs.net](mailto:Secsu.foi@nhs.net)

**Postal Address**

South East CSU  
1 Lower Marsh  
London  
SE1 7NT

**Website Address**

<http://www.southeastcsu.nhs.uk>

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### **Review Procedure**

If you feel that we have not met the requirements of the Freedom of Information Act 2000, you should contact the person who sent the response to you.

If you remain dissatisfied, you can ask us to review our decision by making a written request for internal review. This must include your address, a description of the original request and the reasons why you are dissatisfied. Please send this to:

#### **Email**

[Secsu.foi@nhs.net](mailto:Secsu.foi@nhs.net)

#### **Postal Address**

South East CSU  
1 Lower Marsh  
London  
SE1 7NT

#### **Website Address**

<http://www.southeastcsu.nhs.uk>

The review will be handled by staff who were not involved in the original decision – although this will not apply to Section 36 claimed exemptions in accordance with Department of Health Directive. Your request will still be reviewed. We aim to complete all internal reviews within 20 working days. If you then wish to appeal you should contact the Information Commissioner for an independent review at the following address:

#### **Telephone**

01625 545745

#### **Postal Address**

The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire

#### **Website Address**

[www.ico.gov.uk](http://www.ico.gov.uk)

SK9 5AF

**Feedback**

Your feedback is welcome to help us improve the service we provide. Please send comments or suggestions to our address.

Yours sincerely,

**Freedom of Information Team**

**South East CSU**

E: [SECSU.FOI@nhs.net](mailto:SECSU.FOI@nhs.net)



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