



Mr Jeremy Beakind

By email to: [request-1174988-3d7a7430@whatdotheyknow.com](mailto:request-1174988-3d7a7430@whatdotheyknow.com)

7 November 2024

Annex A: DHSC response to initial request

Annex B: Request for internal review

Dear Mr Beakind,

## **FREEDOM OF INFORMATION ACT 2000 (FOIA): INTERNAL REVIEW**

### **CASE REFERENCE: IR-1536438 (FOI-1532165)**

You originally wrote to the Department of Health and Social Care (DHSC) on 15 September requesting information relating to 'emails sent or received by Mr Phil Harper, Deputy Director for Professional Regulation, related to the "Physician Associate Schools Council" (PASC) or containing references to PASC'. We responded to you on 10 October and a copy of our response, including the full text of your request, can be found in Annex A.

You subsequently emailed DHSC on 10 October requesting an internal review into the handling of your original request. A copy of your email can be found in Annex B.

The purpose of an internal review is to assess how your Freedom of Information (FOI) request was handled in the first instance and to determine whether the original decision given to you was correct. This is an independent review as I was not involved in the original decision.

DHSC has revisited the public interest test and has decided to release the minutes referred to within the email document titled "Prescribing Working Group Minutes - 3rd July 2024". Please note that some of the information has been redacted under section 35(1)(a) of the FOIA, which provides protection for the information that relates to the formulation or development of Government policy. Section 35 is a qualified exemption and requires consideration of the public interest test. These redactions have been annotated accordingly.

All other redactions within this document have been made under section 40(2) of the FOIA which provides for the protection of personal information. Section 40 prohibits a public body from disclosing personally identifiable information as doing so would contravene data protection principles.

DHSC upholds its original decision regarding the remainder of the requested information.

## Conclusion

After careful consideration, I have concluded that the response you received to your FOI request was partially compliant with the requirements of the FOIA. This is because we could have released some of the information at the FOI stage.

The review is now complete.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner's Office (ICO) for a decision.

Guidance on contacting the ICO can be found at <https://ico.org.uk/global/contact-us> and information about making a complaint can be found at <https://ico.org.uk/make-a-complaint>.

Yours sincerely,

Mr D Stanton  
FOI Internal Reviews  
[freedomofinformation@dhsc.gov.uk](mailto:freedomofinformation@dhsc.gov.uk)

## **Annex A: DHSC response to initial request**

Mr Jeremy Beakind

By email to: [request-1174988-3d7a7430@whatdotheyknow.com](mailto:request-1174988-3d7a7430@whatdotheyknow.com)

10 October 2024

Dear Mr Beakind,

### **Freedom of Information Request Reference FOI-1532165**

Thank you for your request dated 15 September to the Department of Health and Social Care (DHSC), a copy of which can be found in the accompanying annex.

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

DHSC holds information relevant to your request.

Please see the attached seven documents. Please note that some information has been redacted under section 40(2) of the FOIA which provides for the protection of personal information. Section 40 prohibits a public body from disclosing personally identifiable information as doing so would contravene data protection principles.

With regards to the document titled "Prescribing Working Group Minutes - 3rd July 2024", please note the attachment to this email is being withheld under section 35(1)(a) of the FOIA, which provides protection for the information that relates to the formulation or development of Government policy. Section 35 is a qualified exemption and requires consideration of the public interest test.

DHSC recognises the general public interest in making this information available for the sake of greater transparency and openness. However, DHSC takes the view that the section 35 exemption is intended to ensure that the possibility of public exposure does not deter from full, candid and proper deliberation of policy formulation and development, including the exploration of all options.

Civil servants and subject experts need to be able to engage in the free and frank discussion of all the policy options internally, to expose their merits and demerits and their possible implications as appropriate. Their candour in doing so will be affected by their assessment of whether the content of such discussion will be disclosed.

Premature disclosure of information protected under section 35 could prejudice good working relationships and the neutrality of civil servants, and we have therefore determined that the balance of public interest favours withholding this information.

If you are not satisfied with the handling of this request, you have the right to appeal by asking for an internal review. This should be sent to [freedomofinformation@dhsc.gov.uk](mailto:freedomofinformation@dhsc.gov.uk) or to the address at the top of this letter and be submitted within two months of the date of this letter.

Please remember to quote the reference number above in any future communication.

If you are not content with the outcome of your internal review, you may complain directly to the Information Commissioner's Office (ICO). Generally, the ICO cannot make a decision unless you have already appealed our original response and received our internal review decision. You should raise your concerns with the ICO within three months of your last meaningful contact with us.

Guidance on contacting the ICO can be found at <https://ico.org.uk/global/contact-us> and information about making a complaint can be found at <https://ico.org.uk/make-a-complaint>.

Yours sincerely,

Freedom of Information Team  
[freedomofinformation@dhsc.gov.uk](mailto:freedomofinformation@dhsc.gov.uk)

### **Annex**

-----Original Message-----

From: Jeremy Beakind <[request-1174988-3d7a7430@whatdotheyknow.com](mailto:request-1174988-3d7a7430@whatdotheyknow.com)>

Sent: Sunday, September 15, 2024 8:08 AM

To: FreedomofInformation <[freedomofinformation@dhsc.gov.uk](mailto:freedomofinformation@dhsc.gov.uk)>

Subject: Freedom of Information request - Physician Associate Schools Council (PASC)

Dear Sir/Madam,

I am writing to make an official request under the Freedom of Information Act 2000. I would like to request copies of any emails sent or received by Mr Phil Harper, Deputy Director for Professional Regulation, related to the "Physician Associate Schools Council" (PASC) or containing references to "PASC". The scope of this request covers the period from 5th July 2024 to 15th September 2024.

If it would be possible to narrow the scope of this request in any way that would expedite its handling while still providing access to the relevant information, I would appreciate your advice.

Should any part of this request be exempt from disclosure, please provide a full explanation of the reasons for the exemption, along with details of the public interest test where applicable. Additionally, I request that any non-exempt information be provided in its entirety, with redactions applied only to the exempt material.

I look forward to your response within the statutory 20 working days as outlined in the Act.

Yours faithfully,

[Your Name]

## Annex B: Request for internal review

From: Jeremy Beakind request-1174988-3d7a7430@whatdotheyknow.com

Sent: Thursday, October 10, 2024 4:59 PM

To: FreedomofInformation freedomofinformation@dhsc.gov.uk

Subject: Internal review of Freedom of Information request - Physician Associate Schools Council (PASC)

[You don't often get email from request-1174988-3d7a7430@whatdotheyknow.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Dear Cabinet Office,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Cabinet Office's handling of my FOI request 'Meeting between No.10 Health Policy Adviser and RCGP Kamila Hawthorne'.

Thank you for the provision of some of the data requested.

I am writing to formally appeal the decision made by the Department of Health and Social Care (DHSC) to withhold the document titled "Prescribing Working Group Minutes - 3rd July 2024" under Section 35(1)(a) of the Freedom of Information Act 2000 (FOIA). I appreciate the need for confidentiality in government policy formulation; however, I believe that the public interest in transparency and patient safety outweighs the arguments for non-disclosure in this particular instance.

-Grounds for Appeal

**Public Interest in Transparency:** The transition of regulatory oversight of Physician Associates (PAs) and Anaesthesia Associates (AAs) to the General Medical Council (GMC) is a significant policy change scheduled for December 2024. This shift will impact clinical practice across the NHS, particularly with respect to the prescribing rights of these practitioners. As such, the public and medical professionals have a legitimate and pressing interest in understanding the basis for these changes, especially given the potential implications for patient safety.

The DHSC acknowledges a general public interest in transparency; however, withholding the minutes of a working group that deliberates critical issues such as prescribing rights undercuts the ability of the public and healthcare stakeholders to provide informed feedback before the regulatory changes take effect.

**Patient Safety Concerns:** There is an established concern regarding the competence and safety of PAs and AAs in comparison to traditionally trained doctors, given their shorter training duration and narrower clinical scope. Expanding prescribing rights without clear and transparent justifications may pose serious risks to patient safety. The public has the right to scrutinise and understand the discussions and expert opinions informing these decisions. Withholding this information limits the opportunity for public and professional

scrutiny, which is vital to ensure the policy decisions being made are in the best interest of patient safety.

Prematurity Argument: The DHSC argues that disclosing the information prematurely could hinder the neutrality of civil servants and the quality of policy deliberations. However, given that the policy transition date is less than two months away, it is not reasonable to consider this disclosure as premature. In fact, disclosing the minutes now could help inform stakeholders and allow for a more informed and productive consultation process before any irreversible decisions are made. By delaying disclosure until after the policy is finalised, the DHSC risks losing public trust and undermining confidence in the regulatory transition.

-Request for Consideration

I urge the DHSC to reconsider its decision in light of the strong public interest in ensuring that the regulatory changes surrounding PAs and AAs are transparent and evidence-based. At a minimum, I request that a summary document highlighting the key issues discussed, expert opinions considered, and patient safety assessments conducted be released. This would demonstrate the DHSC's commitment to transparency and help build confidence in the policy process.

If the DHSC maintains that it cannot release the full minutes, I request a detailed explanation specifying how the disclosure of this particular information would concretely undermine policy development, as well as a review of whether any redacted version could be shared to strike a balance between transparency and confidentiality.

I look forward to your response and request that this appeal is treated with urgency given the proximity of the regulatory changes.

Yours faithfully,

Jeremy Beakind