

Dear Dr Ali,

Your information access request

We have considered your request of 28 June 2020 under the Freedom of Information Act 2000 (FOIA).

You asked as follows:

"In the last 3 years, Please provide (ideally as a simple table):

- 1. The ethnicity of complainants if available against*
- 2. The ethnicity of defendants if available (no names please)*
- 3. Whether there was further investigation or curtailment, or a finding against the doctor*
- 4. Of those doctors with a finding/erasure, the ethnicity of the prosecution*
- 5. Only of those investigated, the route of their initial complaint i.e. was it by Responsible Officer, direct to the GMC by website/letter, or via another body / court / health process, GMC-liaison-backdoor service and Rule 12.*

I am aware information may not be available and, in this case, if partial information is available please provide with blank information in other areas. If no information is available, then omit. I am aware data is likely to be incomplete and this is acceptable.

Separately for the last 3 years

- 6. The ethnicity of the decision makers as a group*
- 7. The ethnicity of the investigator if present (as a group)*
- 8. The Ethnicity of the GMC Management as a group*
- 9. The Ethnicity of the GMC MPTS division as a group, if available"*

In your email of 21 July 2020, you provided the following clarifications:

- *"prosecution" to mean "GMC person involved (i.e. GMC barrister/solicitor) or at the early stage, it is the investigator or complaint handler"*

- “a finding” and “curtailment” to mean as defined by a dictionary.

Response

I can't provide the information you requested. This is because of the amount of data you've asked for and the work that would be involved. Under the FOIA there's an exemption for requests where it would cost the public authority more than £450 to process - equivalent to 18 hours' work.

The cost of your request

As explained in our email of 20 July 2020, there were over 14,000 complaints and 1,900 investigations between 2018 and 2019. Whilst some information can be extracted electronically, we cannot do that for staff ethnicity.

To estimate the cost, we can take into account determining, locating, retrieving and extracting the information requested.

We would need to manually check through the details of each complaint to confirm who has had conduct of the case (often more than one person at a given time). Even if it takes one minute per file on average, it would easily take over 18 hours to carry out this process alone, just for the two years. Based on an hourly rate of £25 per hour (which is set by *the Freedom of Information (Fees and Appropriate Limit) Regulations 2004*) this would cost us significantly in excess of the 'appropriate limit' to process.

The exemption

Under the FOIA, the specific exemption which we believe applies is at section 12. This states that we are not required to comply with a request if we estimate that the cost of doing so would exceed the appropriate limit.

Advice and assistance

You are seeking a breakdown of every complaint, over 20,000 in total, we have received in the last 3 years.

Although we might be able to extract the data for questions 1, 2, 3, and 5 electronically, the entire process may take over 18 hours due to the sheer volume of information you are seeking and the size of the document we would need to create.

As for questions 6 to 9, we would need clarification as to what you mean by “ethnicity... as a group” in order to proceed.

Your right to appeal

I'm sorry I couldn't provide the information you requested. If you would like to appeal this decision please set out your reasons in writing to foi@gmc-uk.org.

Please note that we will only usually consider appeals received within 40 working days of our response.

You can also appeal to the Information Commissioner, the regulator of FOIA:

Customer Contact
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113

Yours sincerely,

GMC