



**University Hospitals
of North Midlands**
NHS Trust

Ref: FOIA Reference 2019/20-294

Royal Stoke University Hospital
Quality, Safety and Compliance Department
Newcastle Road
Stoke-on-Trent
Staffordshire
ST4 6QG

Date: 27th August 2019

Email foi@uhnm.nhs.uk

Dear

I am writing in response to your email dated 20th August 2019 requesting information under the Freedom of Information Act (2000) regarding NHS disciplinary procedures.

I can neither confirm nor deny whether the information you have requested is held by the Trust in its entirety. This is because the information requested in question 2 is not held centrally, but may be recorded in individual staff records. In order to confirm whether this information is held we would therefore have to individually access all individual staff records within the Trust and extract the information where it is present. We therefore estimate that complying with your request is exempt under section 12 of the FOI Act: *cost of compliance is excessive*. The section 12 exemption applies when it is estimated a request will take in excess of 18 hours to complete. We estimate that accessing and reviewing all individual staff records and then extracting relevant information would take longer than the 18 hours allowed for.

In addition to the section 12 exemption the Trust is also applying section 14 (1) exemption: *oppressive burden on the authority*.

Under section 16 of the FOI Act we are required to provide requestors with advice and assistance where possible. We would therefore like to advise you that if your request is shortened to just the questions that we are able to comply within the 18 hour time frame. In order to avoid delay to your response we have provided this below.

As of 1st November 2014 University Hospitals of North Midlands NHS Trust (UHNM) manages two hospital sites – Royal Stoke University Hospital, and County Hospital (Stafford). Therefore the response below is for the two sites combined from that date where appropriate.

Q1 I am conducting research on the application of NHS disciplinary procedures for doctors under the Maintaining High Professional Standards (MHPS) framework. The GMC produces annual reports of its statistics regarding complaints, investigations and their outcomes, but no such national data exists for the processes carried out within employer setups. I am therefore approaching each NHS employer in England to request statistics about concerns and investigations under MHPS. I wish to stress that I do not intend to publish any data at the individual employer level; only nationally aggregated data.

Based on the NHS England National Report to Ministers on the Responsible Officer Regulations and Medical Revalidation 2017/18, more than 99% of NHS sector employers in England provide a report to their board detailing the number and type of concerns



(under MHPS) and their outcome (see Figure 23 on page 46 in Section 3 of the linked report).

<https://www.england.nhs.uk/wp-content/uploads/2018/10/report-to-ministers-responsible-officer-regulations-revalidation-1718.pdf>. My request relates to data that should be included in your Trust's report to your board for the year 2017/18.

The request

Please provide the following information about the disciplinary cases under MHPS in your organisation for the financial year 2017/18:

1. The number of permanent and locum doctors employed by the Trust (Headcount).

A1 UHNM has 1141 permanent and locum doctors employed

Q2 The number of concerns raised under MHPS by type of concern (the following is a suggested categorisation of the types of concern). Please allocate the cases to the most relevant type of concern.

| Type of concern | No. of concerns raised | No. of formal investigations |
|--------------------------|------------------------|------------------------------|
| Doctor's health | | |
| Clinical competence | | |
| Conduct | | |
| Professional performance | | |
| Criminality | | |

A2 We are unable to provide the information you require for "formal investigations" as to release this data could lead to the identification of the person(s) involved due to the low numbers involved, and would breach the Trusts obligations under Data Protection Act 2018. Accordingly, this aspect of your request is exempt from disclosure under the terms of Section 40(2) of the FOI Act. *Personal information*. However as the Trust is committed to openness and transparency we can band the numbers, Please see below:

| Type of concern | No. of concerns raised | No. of formal investigations |
|--------------------------|---|-----------------------------------|
| Doctor's health | Section 12 and 14 exemption as detailed above | 0 |
| Clinical competence | Section 12 and 14 exemption as detailed above | 0 |
| Conduct | Section 12 and 14 exemption as detailed above | <5 (section 40 as detailed above) |
| Professional performance | Section 12 and 14 exemption as detailed above | 0 |
| Criminality | Section 12 and 14 exemption as detailed | 0 |

| | | |
|--|-------|--|
| | above | |
|--|-------|--|

Q3 The outcome of formal investigations. Please provide the data on the outcome of formal investigations according to the following table:

| Type of concern | No further action | Advice or warning | Referral to the GMC | Suspension | Dismissal | Resignation within 6 months of concern raised |
|--------------------------|-------------------|-------------------|---------------------|------------|-----------|---|
| Doctor's health | | | | | | |
| Clinical competence | | | | | | |
| Conduct | | | | | | |
| Professional performance | | | | | | |
| Criminality | | | | | | |

A3 We are unable to provide the information you require in the requested format as to release this data could lead to the identification of the person(s) involved due to the low numbers involved, and would breach the Trusts obligations under Data Protection Act 2018. Accordingly, this aspect of your request is exempt from disclosure under the terms of Section 40(2) of the FOI Act. *Personal information*. However as the Trust is committed to openness and transparency we can band the numbers, Please see below:

| Type of concern | No further action | Advice or warning | Referral to the GMC | Suspension | Dismissal | Resignation within 6 months of concern raised |
|--------------------------|-------------------|-------------------|---------------------|------------|-----------|---|
| Doctor's health | | | | | | |
| Clinical competence | | | | | | |
| Conduct | <5 | <5 | | | | |
| Professional performance | | | | | | |
| Criminality | | | | | | |

Q4 If the information requested in 2 and 3. is set out in the report referred to in the second paragraph of the Background above, please just send me a copy of that report instead.

A4 Not applicable

Q5 Please send me your Trust's Disciplinary policy for dealing with concerns raised about doctors, the staff code of conduct, and the number of staff formally trained to handle concerns under MHPS.

A5 UHNM has fifty (50) trained case investigators. Please see attached for HR18 Maintaining High Professional Standards Policy and HR01 Disciplinary Policy and Procedure.

*Please note that any individuals identified do not give consent for their personal data to be processed for the purposes of direct marketing.

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An anonymised copy of this request can be found on the Trust's disclosure log, please note that all requests can be found at the following link: <http://www.uhnm.nhs.uk/aboutus/Statutory-Policies-and-Procedures/Pages/Freedom-of-Information-Disclosure-Log.aspx>

This letter confirms the completion of this request. A log of this request and a copy of this letter will be held by the Trust.

If you have any queries related to the response provided please in the first instance contact my office.

Should you have a complaint about the response or the handling of your request, please also contact my office to request a review of this. If having exhausted the Trust's FOIA complaints process you are still not satisfied, you are entitled to approach the Information Commissioner's Office (ICO) and request an assessment of the manner in which the Trust has managed your request.

The Information Commissioner may be contacted at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or via www.ico.org.uk.

If following review of the responses I can be of any further assistance please contact my secretary on 01782 676474.

Yours,



**University Hospitals
of North Midlands**
NHS Trust

Jean Lehnert
Information Governance Manager

