



Resolution

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May 2019
FOI_3729

The following information was requested on 1 April 2019:

With respect to data held under the role of Practitioner Performance Advice (formally known as NCAS) and data relating to:

Royal Berkshire Hospital NHS Foundation Trust, Reading

Please provide the total annual numbers of new cases submitted / discussed by the Trust under the MHPS (Maintaining High Professional Standards) process.

Please provide:

- annual total of new cases each year over the last 10 years*
- how long each case took prior to resolution*
- the annual number of cases upheld (under MHPS)*

Our response

The total annual numbers of new cases submitted / discussed by Royal Berkshire Hospital NHS Foundation Trust under the MHPS (Maintaining High Professional Standards) process.

- annual total of new cases each year over the last 10 years*
- how long each case took prior to resolution*

Practitioner Performance Advice (formerly National Clinical Assessment Service) provide impartial and expert advice to employers and contracting healthcare organisations to support the local management and resolution of performance concerns relating to individual doctors, dentists and pharmacists. The service is an advisory body and any decision making in relation to the employment or practice status of an individual practitioner remains for the employer. In all cases, we provide advice to help ensure that where concerns have been raised about an individual these are managed and resolved in a fair, proportionate and timely way. Patient safety and public protection are our paramount concerns.

We believe Section 36 of the FOI Act is applicable and the requested information is withheld due to Prejudice to effective conduct of public affairs. The relevant section states:

36 (2) Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act—

(b) would, or would be likely to, inhibit—

(i) the free and frank provision of advice, or

(ii) the free and frank exchange of views for the purposes of deliberation, or

(c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

We have sought the views of our qualified person, who in our organisation is the Chief Executive, whose opinion is as follows:

In our day to day work, healthcare organisations believe they have sought advice from our Practitioner Performance Advice (Advice) service, and this advice will be kept confidential, save for individual cases where the public interest for disclosure outweighs our duty of confidentiality. We have judged that releasing individual organisational information would prejudice the confidential nature of our dealings with healthcare organisations in respect of the provision of advice to healthcare organisations to effectively manage and resolve concerns raised about the practice of individual practitioners. We also believe it would erode the relationship between the Advice service and healthcare organisations, and would in turn dissuade organisations from approaching us about future matters.

Public Interest Test

The application of this exemption requires us to undertake a public interest test and the following matters have been taken into consideration as follows:

Public Interest considerations in disclosing the information

There is an interest in being transparent about the healthcare organisations that seek advice from the Advice service. The Advice service is established to deliver services on behalf of the Secretary of State and there is a public interest in understanding how that is carried out.

Public interest considerations in favour of maintaining the exemption

There is a strong public interest in ensuring the effective delivery of the Advice service who support the resolution of concerns raised about doctors, dentists and pharmacists. We have judged that releasing individual organisational information would prejudice the confidential nature of our dealings with healthcare organisations in respect of the provision of advice to healthcare organisations to effectively manage and resolve concerns raised about the practice of individual practitioners. We also believe it would erode the relationship between Advice and healthcare organisations and would in turn dissuade organisations from approaching us about future matters.

We consider that the information in the public domain including the numbers of the requests for advice have been made to the service (see p. 59 of the [Annual Report for FY17/18](#)) do provide information which addresses the public interest but also maintains the integrity of the service and the duty of confidence owed to organisations and individuals referred to it.

Balance of Public Interest Test

NHS Resolution acknowledges that there is an interest in the public in knowing how the service operates and to have information in the public domain about referrals to the service. We believe this is met by the publication of figures in our annual report.

We believe that ensuring the effective delivery of the service is paramount and releasing individual organisational information would prejudice the confidential nature of our dealings with healthcare organisations in respect of the provision of advice to healthcare organisations to effectively manage and resolve concerns raised about the practice of individual practitioners.

On the balance of the Public Interest Test above, NHS Resolution therefore believes that the greater public interest is in withholding this information.

*The total annual numbers of new cases submitted / discussed by Royal Berkshire Hospital NHS Foundation Trust under the MHPS (Maintaining High Professional Standards) process.
- the annual number of cases upheld (under MHPS)*

This information is not held. As stated above the service is an advisory body and any decision making in relation to the employment or practice status of an individual practitioner remains for the employer.

This concludes our response to your request.

If you are not satisfied with the service that you have received in response to your information request, it is open to you to make a complaint and request a formal review of our decisions. If you choose to do this, you should write to [Tinku Mitra](#), Head of Corporate and Information Governance for NHS Resolution, within 28 days of your receipt of this reply. Reviews of decisions made in relation to information requests are carried out by a person who was not involved in the original decision-making about the request.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a review of the decision. Generally, the Information Commissioner will not make a decision unless you have exhausted the local complaints procedure. The address of the Information Commissioner's Office is:

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Water Lane
Wilmslow
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