



# Resolution

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FOI\_4158

The following information was requested on 12 December 2019:

*I would like to request the number of surgeons subject to MHPS processes over the last 10 years.*

*I would like to know grade, sex, ethnicity, exclusion details and outcome of MHPS processes with timeframes.*

*I would like to know also what percentage surgeons make up in terms of total MHPS processes. I hope I have requested this information in the correct manner but I want to research if surgeons are more vulnerable than other clinician groups to MHPS disciplinary processes, find out outcomes and the length of time these processes take. I would also like to research what happens to surgeons after these processes.*

## Our Response

Although NHS Resolution may hold some information relating to cases such as these, due to the way our Advice cases are recorded on our database, we will not be able to identify such specific cases. We do not capture the requested information in the way set out in your request, but we could provide data on specialties which would indicate whether the case relates to a surgeon. We could also provide the following information:

- The number of surgeons referred to our advice service over the last 10 years. However, it would not just cover those subject to MHPS.

It might be helpful to explain that when cases are referred to the Advice Service in NHS Resolution they are categorised against pre-defined codes, unfortunately *surgeons subject to MHPS* is not one of these. Therefore, while there may be information held in our records, we are not readily able to identify the relevant files by searching the database. To do so would involve a review of all Advice cases to identify which ones relate to cases involving *surgeons subject to MHPS*. There are over 1,000 cases that would need to be reviewed.

Therefore, we estimate that the cost of complying with the request in its entirety would exceed the 'appropriate limit'. Section 12(1) of the FOIA is a provision which allows a public authority to refuse to comply with a request for information where the cost of compliance is estimated to exceed a set limit (known as the 'appropriate limit'). The 'appropriate limit' for NHS Resolution is £450. This equates to 18 hours of work at the rate of £25 per hour set out in the 'Fees Regulations'.

We estimate that it would take on average 10 minutes to locate, retrieve and extract the requested information from an individual file. It may therefore be the case that we would be able to examine only 108 files within 18 hours.

In addition, given the complexity of Advice cases, it is possible for a single electronic or paper-based file to contain hundreds of documents in a variety of formats.

Please also note even if we were able to carry out a review of 108 random files we may not be able to provide you with the level of detail you require owing to Data Protection grounds.

We would need to suppress low numbers or any information that could possibly lead to the identification of individuals where disclosure would breach the General Data Protection Regulation.

We have suggested above what information we could provide you with. Please let me know if you would be interested in this information.

**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:

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF