



Resolution

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February 2021
FOI_4940

Thank you for your email of 25 January 2021. We have attached your letter in full in Appendix A and we have responded to each element of your questions outlined below.

To help answer your request, we thought it might be helpful to first direct you to our website which outlines the purpose of Practitioner Performance Advice (Advice) and the services we deliver. You can find this information [here](#).

Please note in relation to your enquiry about cases under Maintaining High Professional Standards (MHPS), MHPS only applies to Doctors and Dentists employed by NHS organisations in England. Throughout the response we have used the term ‘practitioner’ to include Doctors and Dentists. Where you have asked for specific information about Doctors, we have made this clear in the response and that information does not include Dentists.

In your request, you asked for the following data from the Advice service:

1. *Please provide the following information about the disciplinary cases under MHPS in your organisation for the financial years 2017/2020:*
 - a. *The number of referrals made to PPA. (Headcount);*
 - b. *Percentage of medical workforce that is female;*
 - c. *Percentage of medical workforce that is BAME;*

MHPS applies mainly in secondary care as primary care has different guidance and processes. Although most secondary care cases that we handle relate to MHPS, there are exceptions and we are unable to readily separate these cases for this response. To do so would require a manual review of individual cases and would go beyond the 18 hours FOI threshold of staff time to respond to this request. As an alternative and by way of advice and assistance as is required under the Act we have provided you with a breakdown of secondary care practitioners in England who were subject to a case during the time period specified (2017/18 to 2020/21). Please find the information below in Table 1.

Please also note that the Advice service do not hold the information on workforce numbers or the percentages for gender or ethnicity group; this information may be available through NHS Digital.

Table 1

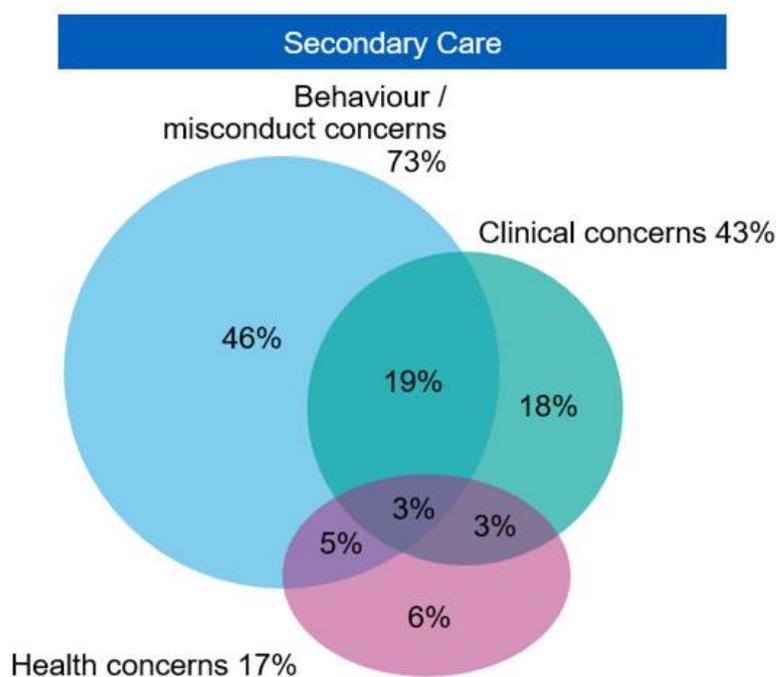
Criteria	Secondary Care Practitioners
Total Headcount	1751
Breakdown by Gender	
Female	418
Male	1310
Unknown	23
Breakdown by Ethnicity Group	
White	643

Asian or Asian British	556
Black or Black British	116
Chinese or other ethnic background	134
Mixed	51
Unknown	251

2. *The number of concerns raised under MHPS by type of concern. Please allocate the cases to the most relevant type of concern. (You also asked us to provide you with the number of formal investigations, number of exclusions, percentage of BAME doctors and female doctors).*

By way of background Advice does not distinguish or prioritise a ‘main’ concern about a practitioner. When a case is opened, Advice may record multiple concerns. Therefore we are unable to respond specifically to the information you have requested.

As an alternative we have provided you with a Venn diagram (below) which represents concerns raised by healthcare organisations for cases closed in the financial years 2015/16 to 2019/20, which we hope you may find helpful.



Please note, all professional groups (doctors, dentists and pharmacists) are included and due to significant overlap in the reported concerns the totals add up to over 100%.

3. *For every excluded doctor please detail the length of exclusion*

We are unable to detail the length of every exclusion in 2017/18 to 2020/21. However, we are able to share the average number of days of an exclusion that started in the time period was 161 calendar days. This average is only based on exclusion episodes which have ended, and not for those that are ongoing to date.

4. *The outcome of formal investigations. Please provide the data on the outcome of formal investigations according to the following table.*

For cases where MHPS applies we are unable to access the information with ease as we do not collect it in a codified way. You should note that we do not undertake investigations and the outcomes of investigations and hearings will not always be shared with us. To identify the information would require a manual review of individual case files and would take us over the 18 hour threshold of staff time to respond to the request.

Therefore, we estimate that the cost of complying with the request in its entirety would exceed the 'appropriate limit'. Section 12(1) of the Freedom of Information Act 2000 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. Given there are 1,751 cases to review, we estimate it would likely exceed 200 hours to comply with this question. As this exceeds the 18 hour appropriate limit set under the FOI Act we are unable to supply this information.

- 5. For these outcomes, please provide the following breakdown: percentage of doctors in this group of BAME origin and percentage of doctors in this group of female gender.*

As this query relates to question four (above) which we have been unable to answer, we are unable to answer this question as a result.

This concludes our response to your request.

We hope this above information is helpful.

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

<https://ico.org.uk/>

Appendix A – Information request received on 25 January 2021

Dear Freedom of Information Department

I am writing to you under the Freedom of Information Act 2000 to request the following information from

Background;

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 that do not reach the attention of the GMC.

Please provide the information in the form detailed below.

If it is not possible to provide the information requested due to the information exceeding the cost of compliance limits identified in Section 12, please provide advice and assistance, under the Section 16 obligations of the Act, as to how I can refine my request.

If you have any queries please don't hesitate to contact me via email and I will be very happy to clarify what I am asking for and discuss the request, my details are outlined below.

Thank you for your time and I look forward to your response.

Yours faithfully,

██████████

The request

Please provide the following information about the disciplinary cases under MHPS in your organisation for the financial years 2017/2020:

1. The number of referrals made to PPA. (Headcount).;
Percentage of medical workforce that is female;
Percentage of medical workforce that is BAME;
2. The number of concerns raised under MHPS by type of concern. Please allocate the cases to the most relevant type of concern

Type of concern	Number of concerns	Number of formal investigations	Number of exclusions	Percentage of doctors in this group of BAME origin	Percentage of doctors in this group of female gender
Doctor's health					
Conduct					
Capability					

3. For every excluded doctor please detail the length of exclusion
4. The outcome of formal investigations. Please provide the data on the outcome of formal investigations according to the following table. (As several of the outcomes may to one individual the numbers will not equate those in Q2)

No further action	Advice or Warning	Referral to the GMC	Dismissal	Resignation	Retirement	Other and Unknown

5. For these outcomes, please provide the following breakdown

	Percentage of doctors in this group of BAME origin	Percentage of doctors in this group of female gender
No further action		
Advice or warning		
Referral to the GMC		
Exclusion		
Dismissal		
Other and Unknown		