

**From:** "Simon Willis (0161 923 6310)" <\*\*\*\*\*>  
**Subject:** Your Information Access Request – F18/9323/SW  
**Date:** 9 March 2018 at 10:04:14 GMT  
**To:** Ian Alexander <\*\*\*\*\*>

Dear Mr Alexander,

**Your information access request - F18/9323/SW**

Thank you for your email of 10 January 2018. I've considered your request under the *Freedom of Information Act 2000*. I'm very sorry for the delay in providing this response and any inconvenience caused.

I have set out your questions below in *italic* and my response immediately underneath each.

*1. The number of doctors who have been the subject of Fitness to Practice proceedings as a result of sexual offences in each year from 2013 to 2018*

I appreciate that you asked for the relevant years to be broken down as 2013/14, 2014/15... 2017/18. Given that your request was received in the early part of January, I am providing the information in calendar years as at the date the relevant proceedings concluded, I hope this is acceptable.

The relevant data are as follows :-

	2013	2014	2015	2016	2017	2018	Total
<b>Number of doctors</b>	14	9	24	11	13	2*	73

\* As at 26 January 2018

Please note that the data above only includes instances where a doctor was convicted of a criminal offence. The GMC have powers to

investigate multiple allegations at once, as such any restrictions placed on the doctors' registrations may have resulted solely or partially or not at all from any other concerns which were also considered.

*2. The number of doctors who were erased from the medical register as a result of sexual offences*

Of the doctors identified in my response to question 1 above, total of 50 doctors' names were erased from the medical register. The GMC have powers to investigate multiple allegations at once, as such the decision to erase the doctors' names from the medical register may have resulted solely or partially or not at all from any other concerns which were being considered.

*3. "Is it the GMC's policy to automatically seek to overturn any MPTS decision not to erase a doctor from the register after a conviction for gross negligence manslaughter?"*

Under s40A of the Medical Act 1983, the GMC has powers to appeal determination reached by the Medical Practitioners Tribunal. We don't have a specific policy which is in line with your question. Each case is considered on its own merits and decision are taken based on our guidance, which is available at [https://www.gmc-uk.org/DC8221\\_Guidance\\_for\\_decision\\_makers\\_s40A\\_appeals.pdf](https://www.gmc-uk.org/DC8221_Guidance_for_decision_makers_s40A_appeals.pdf) 64121775.pdf

I hope you find this information useful. If you have any queries about this, or need anything further, please contact me on the details below.

Yours sincerely

**Simon Willis**  
**Information Access Officer**  
**Resources & Quality Assurance Directorate**

**From:** Simon Willis (0161 923 6310)  
**Sent:** 10 January 2018 11:47  
**To:** 'Ian Alexander'  
**Subject:** RE: Information Access Request – F17/9285/SW

Dear Mr Alexander,

Thank you for your email, I will process your request under the Freedom of Information Act 2000 (FOIA).

Yours sincerely

**Simon Willis**  
**Information Access Officer**  
**Resources & Quality Assurance Directorate**

**From:** Ian Alexander [mailto:\*\*\*\*\*]  
**Sent:** 10 January 2018 11:28  
**To:** Simon Willis (0161 923 6310)  
**Subject:** Information Access Request – F17/9285/SW

Thank you for your response.

I am somewhat surprised that the GMC declines to provide the information requested given that it has provided similar information in the past.

Nevertheless, I would like to reframe my request.

1. Please advise how many doctors were subject to Fitness to Practice proceedings as a result of sexual offences in the years

2013/14

2014/15

2015/16

2016/16

2016/17

2017/18 year to date

and how many of these doctors were subsequently erased from the register.

2. Is it the GMC's policy to automatically seek to overturn any MPTS decision not to erase a doctor from the register after a conviction for gross negligence manslaughter?

This is with reference to Charlie Massey's comment to the Times:

*"We have a clear responsibility to maintain the public's confidence in the medical profession. That is why we must act in cases where a truly exceptional degree of negligence — the very high threshold set in the criminal law for gross negligence manslaughter — has been established, as was the case with Dr Bawa-Garba."*

Yours sincerely,

Ian Alexander

**From:** "Simon Willis (0161 923 6310)" <\*\*\*\*\*>  
**Subject:** RE: GMC information governance team  
**Date:** 10 January 2018 at 08:50:57 GMT  
**To:** Ian Alexander <\*\*\*\*\*>

Dear Mr Alexander,

**Your information access request – F17/9285/SW**

Thank you for your email of 11 December 2017 asking for the following information :-

"1. How many doctors who are currently registered, and hold a licence to practice, are on the Sex Offenders Register?

If so, please disclose the number of such doctors and a breakdown of the offences for which they were convicted.

2. How many doctors who are currently registered, and hold a licence to practice, have been convicted of a criminal offence in the last four years?

If so, please disclose the number of such doctors, and if it is within the cost limits, a breakdown of the offences for they were convicted.

3. Can the GMC advise if it is a matter of GMC policy to strike off any doctors convicted of gross negligence medical manslaughter?

If so, please point me to the relevant policy or provide a copy of the relevant document if it is not published.

4. Does the GMC have memoranda of understanding, or any equivalent protocols, with the Crown Prosecution Service and with the Criminal Case Review Commission?"

I've considered your request under the Freedom of Information Act 2000 (FOIA).

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 two and half days' work.

#### The cost of your request

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

We do not hold the information you are seeking in questions 1 and 2 in a way which can be extracted electronically; this means that we would need to manually check through each case file. There are 114 registered and licenced doctors who were subject to investigation for drink-driving and/or speeding since 1 January 2014. It would take around 10 minutes to check through each record, which equates to over 18 hours in total. Based on an hourly rate of £25 per hour (which is set by the Freedom of Information (Fees and Appropriate Limit) Regulations 2004 ) it would cost us in excess of the 'appropriate limit' to process just a small part of your request.

Further, in respect of question 1, information contained in the initial case file would not take into account any successful appeals taking place at a later date.

Whilst I duly I note that you have mentioned the costs limit in your request, it is not for us to decide on your behalf how to narrow the scope of the information you are seeking.

## 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.

## Response to Questions 3 and 4

A doctor's name can only be erased from the medical register for reasons relating to their fitness to practise by a Medical Practitioners Tribunal (MPT) following a hearing. The MPT hearings are run by the Medical Practitioners Tribunal Service (MPTS) and they are operationally independent from the GMC (for further information please see [here](#)). Therefore, the decision on what sanction should be placed on a doctor, whose fitness to practise is found to be impaired, is not determined by the GMC. Please find their sanctions guidance [here](#).

Information about organisations which the GMC has a Memorandum of Understanding with are published [here](#).

## **Your right to appeal**

I'm sorry I couldn't provide all the information you requested. You can appeal against this decision to Elizabeth Hiley, Information Access Manager. If you want to appeal, please set out your reasons and write to her at \*\*\*\*\*. You can also appeal to the Information Commissioner, the regulator of the FOIA and DPA – we can provide more details about this if you need them.

Yours sincerely

**Simon Willis**  
**Information Access Officer**  
**Resources & Quality Assurance Directorate**  
Direct Dial: **0161 923 6310**  
Email: [simon.willis@gmc-uk.org](mailto:simon.willis@gmc-uk.org)

**From:** FOI  
**Sent:** 11 December 2017 15:06  
**To:** 'Ian Alexander'  
**Subject:** RE: GMC information governance team

Dear Mr Ian Alexander

## **Your information request - F17/9285/SW**

Thank you for your email dated 11 December 2017.

### **How we will consider your request**

We're going to consider your request under the Freedom of Information Act 2000 (FOIA). The FOIA gives us 20 working days to respond, but we'll come back to you as soon as we can.

### **Who to contact**

Simon Willis will be handling your request. If you have any questions you can call him on 0161 923 6310 or email him at [simon.willis@gmc-uk.org](mailto:simon.willis@gmc-uk.org).

Yours sincerely

Loredana Cojan

Information Access Assistant

### **General Medical Council**

3 Hardman Street  
Manchester  
M3 3AW

**From:** Ian Alexander [\*\*\*\*\*]

**Sent:** 11 December 2017 10:13

**To:** FOI

**Subject:** GMC information governance team

11 December 2017

Dear Sir,

**Doctors and the criminal justice system**

Is the GMC able to advise:

1. How many doctors who are currently registered, and hold a licence to practice, are on the Sex Offenders Register?

If so, please disclose the number of such doctors and a breakdown of the offences for which they were convicted.

2. How many doctors who are currently registered, and hold a licence to practice, have been convicted of a criminal offence in the last four years?

If so, please disclose the number of such doctors, and if it is within the cost limits, a breakdown of the offences for they were convicted.

3. Can the GMC advise if it is a matter of GMC policy to strike off any doctors convicted of gross negligence medical manslaughter?

If so, please point me to the relevant policy or provide a copy of the relevant document if it is not published.

4. Does the GMC have memoranda of understanding, or any equivalent protocols, with the Crown Prosecution Service and with the Criminal Case Review Commission ?

If so, please provide copies.

Yours sincerely,

Ian Alexander

Working with doctors Working for patients

The General Medical Council helps to protect patients and improve medical education and practice in the UK by setting standards for students and doctors. We support them in achieving (and exceeding) those standards, and take action when they are not met.

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General Medical Council

3 Hardman Street, Manchester M3 3AW

Regents Place, 350 Euston Road, London NW1 3JN

The Tun, 4 Jacksons Entry, Holyrood Road, Edinburgh EH8 8AE

4th Floor, Caspian Point 2, Caspian Way, Cardiff Bay CF10 4DQ

9th Floor, Bedford House, 16-22 Bedford Street, Belfast BT2 7FD

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Working with doctors Working for patients

The General Medical Council helps to protect patients and improve medical education and practice in the UK by setting standards for students and doctors. We support them in achieving (and exceeding) those standards, and take action when they are not met.

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