

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 August 2016

Public Authority: General Medical Council (GMC)
Address: 3 Hardman Street
Manchester
M3 3AW

Decision (including any steps ordered)

1. The complainant has requested information relating to guidance issued by the GMC to junior doctors. The GMC has failed to respond to this request for information.
2. The Commissioner considers that the GMC breached section 10(1) FOIA in the handling of this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The GMC must provide the complainant with a response to this request in accordance with its obligations under FOIA.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 19 April 2016 the complainant made the following request to the GMC:

"I am a doctor registered with yourselves and was deeply disappointed with your organisation's decision to publicly involve yourselves, and by implication, all doctors in this matter, in what does not seem to be an unbiased or adequately considered manner. I feel there is a real likelihood that your guidance will pressurise doctors to not act in the manner afforded them by their union and the law. The result can only be further alienation of the juniors from yourselves and the NHS. Too many doctors are already leaving the NHS and UK. I am concerned the guidance will serve to accentuate this.

I would be very interested to see all information regarding the consultation your organisation had with practicing doctors in formulating this guidance. I would specifically be interested in how many doctors with a current license to practice were involved and the level of their involvement.

Please accept this communication as a formal request under the Freedom of Information Act."

6. The GMC has not provided a response to this request.

Scope of the case

7. The complainant contacted the Commissioner on 16 June 2016 to complain about the way his request for information had been handled.
8. The Commissioner has considered whether the GMC dealt with this request in accordance with its obligations under section 10(1) FOIA.

Reasons for decision

9. Section 10(1) provides that:

"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

10. Section 1(1) provides that:

“Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”

11. The request was made on 19 April 2016 and a response is yet to be provided. The Commissioner therefore finds that the GMC breached section 10(1) in failing to respond within 20 working days.

Right of appeal

12. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from: First-tier Tribunal (Information Rights)

GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

13. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
14. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Gemma Garvey
Senior Case Officer

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Wilmslow
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