

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 August 2018

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

Decision (including any steps ordered)

1. The complainant has requested from the General Medical Council ('GMC') information concerning Warwick Medical School. The GMC's position is that it does not hold any relevant information.
2. The Commissioner's decision is as follows:
 - The GMC does not hold the information the complainant has requested and has complied with section 1(1) of the FOIA. The GMC breached section 10(1) as it did not comply with section 1(1) within 20 working days.
3. The Commissioner does not require the GMC to take any steps to ensure compliance with the legislation.

Request and response

4. On 31 October 2017 the complainant wrote to the GMC and requested information in the following terms:

"I request the GMC provide me with a full copies of the correspondence between the GMC and Warwick Medical School in

respect of the GMC determining that the curriculum used by Warwick Medical School did not meet the GMC requirements and should be changed/removed:

(1) Please include full copies all correspondence including emails and hardcopy letters and electronic record.

(2) Please provide a full copies of the correspondence pertaining to the removal of assessments in Year 1 of the degree programme (assessment titles: OSCE1 and ESA1).

(3) Please provide a full copies of the correspondence between the GMC QABME Team Leader and the GMC, and between the QABME Team Members and the GMC, in respect of Warwick Medical School."

5. The GMC responded on 18 December 2017. It said it did not hold the information that the complainant has requested.
6. The complainant requested a review on 19 December 2017, which the GMC provided on 26 February 2018. It maintained its position.

Scope of the case

7. The complainant contacted the Commissioner on 14 February 2018 to complain about the way his request for information had been handled. At that point the GMC had not reviewed its response but, as above, this was done on 26 February 2018. The complainant considers the GMC holds information falling within the scope of his request. He is also not satisfied with how long it took the GMC to respond to his request and to provide an internal review.
8. The Commissioner's investigation has focussed on whether or not the GMC holds information falling within the scope of the complainant's request, and its compliance with section 10(1). She has considered the GMC's internal review under 'Other Matters'.

Reasons for decision

Section 1 – general right of access to information held by public authorities

9. Section 1(1) of the FOIA says anyone who requests information from a public authority is entitled (a) to be told if the authority holds the information and (b) to have the information communicated to him or her if the information is held and is not exempt information.

10. In its submission to the Commissioner the GMC has explained that it is the independent regulator for doctors. It works to protect the public by setting, upholding and raising the standards of medical education and practice across the UK. All doctors working in the profession must be registered with the GMC.
11. One of the GMC's key functions is overseeing UK medical education and training. This includes deciding which organisations can award medical degrees in the UK although it does not offer educational services itself.
12. The GMC has confirmed that Warwick Medical School, which is part of University of Warwick, can award medical degrees in the UK. Whilst the GMC is wholly independent of all medical schools in the UK, it has confirmed that it receives communication and information from Warwick Medical School from time to time given its working relationship with it.
13. The GMC has referred the Commissioner to its original response to the complainant in which it explained that it does not have the power to approve or remove medical school curricula. The GMC advised the complainant that at no point did it determine that the curriculum used by Warwick Medical School did not meet its requirements and should be changed/removed. The GMC had therefore confirmed that it did not hold any information falling within the scope of the complainant's request. It upheld this position on review.
14. The complainant introduced his request for information by stating that the correspondence he is requesting concerns an occasion where the GMC determined that the curriculum used by Warwick Medical School did not meet its requirements and that it should be changed and/or removed. The Commissioner considers that the three components of the request can all be reasonably interpreted as being for information/correspondence associated with the above determination.
15. The GMC has confirmed to the Commissioner that it consulted a colleague in its Education Directorate who explained that the request is based on erroneous assumptions. The GMC says it has never determined that Warwick Medical School's curriculum did not meet its standards and, in any event, it does not have the authority to make such a determination.
16. Given that the premise behind the request simply did not take place, the GMC says it cannot possibly hold any information pertaining to it. It has noted that it explained this to the complainant on two occasions in ways which it strongly believes were unambiguous and straightforward. The GMC added that the complainant has never provided it with any evidence that supports his assertions.

17. The complainant has told the Commissioner about particular internal documents generated by Warwick Medical School and matters associated with Warwick Medical School. These are matters that concern Warwick Medical School and the Commissioner does not consider this information to be evidence that the GMC holds the information he has requested.
18. In his correspondence to the Commissioner the complainant has stated that the public should be able to scrutinise the documents and processes that led to the GMC's approval of basic medical education at Warwick Medical School. This is a different request. The request that is the subject of this notice concerns information associated with the GMC's determination that the curriculum used by Warwick Medical School did not meet the GMC requirements and should be changed/removed.
19. The GMC has confirmed that it has never made such a determination and does not have the authority to do so. The Commissioner sees no reason to doubt that this is the case and does not consider that the information provided by the complainant indicates to the contrary.
20. The Commissioner is satisfied that the premise behind the complainant's request of 31 October 2017 did not take place. As such, she is satisfied that the GMC does not hold information falling within the scope of this request.

Section 10 – time for compliance with request

21. Section 10(1) of the FOIA says that a public authority should comply with section 1(1) promptly and within 20 working days following the date of receipt of a request.
22. In this case, the complainant submitted his request on 31 October 2017 and the GMC did not respond until 18 December 2017. The GMC therefore breached section 10(1).

Other matters

23. Provision of an internal review is not a requirement of the FOIA, but is a matter of general good practice. The Commissioner recommends that a public authority should provide a review within 20 working days and no longer than 40 working days. In this case, the complainant requested a review on 19 December 2017 and the GMC did not provide one until 26 February 2018. This was well outside the Commissioner's recommendation.

Right of appeal

24. 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

25. 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.
26. 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

Pamela Clements
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