

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 27 March 2012

**Public Authority:** The General Medical Council

**Address:** Regent's Place  
350 Euston Road  
London  
NW1 3JN

#### Decision (including any steps ordered)

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1. The complainant has requested information about the training the General Medical Council (GMC) provides to Fitness to Practice panellists, specifically in the areas of human rights law and whistleblowing. The Commissioner's decision is that the General Medical Council failed to respond to the request within the required time, but holds no further information in relation to the request. The Commissioner does not require the public authority to take any steps to ensure compliance with the legislation.

#### Request and response

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2. On 23 January 2011, the complainant wrote to the GMC and requested information in the following terms:
  1. *What education if any do Fitness to Practice panellists receive from GMC to enable them to deal with whistle-blowers when they appear before them?*
  2. *What Human Rights training do Fitness to Practice panellists receive from GMC?*
  3. *Do Fitness to Practice panellists receive any education or tests regarding their knowledge of United Nations Declaration on Human Rights Defenders?*
3. The GMC responded on 28 April 2011. It explained in general terms the selection process for Fitness to Practice panellists, details of training sessions they are required to attend and various documents and issues

that will be referred to in those training sessions. The GMC also confirmed that Fitness to Practice panellists do not receive specific training on the European Convention on Human Rights or United Nations Declarations, but they do receive training on the implications of Human Rights legislation and how it applies to hearings before panels.

4. On 29 June 2011 the complainant made a further request which related to the original request:
  1. *Could you, please state if FTP panelists received any training specifically regarding whistleblowing consequences such as institutional reprisals and requests for sham peer reviews by regulatory bodies?*
  2. *Could you please, provide an answer that would be correct at the time the original questions were posed in January 2011?*
5. Following an internal review the GMC wrote to the complainant on 18 July 2011. It stated that it was satisfied that it had answered her request in full, and that the GMC had fulfilled all of its obligations under the FOIA. The GMC also responded to the complainant's further request of 29 June 2011 on 19 July 2011, in which it referred to the response sent on 28 April 2011 and stated that it did not hold any further information outside of what had already been disclosed.

### **Scope of the case**

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6. The complainant contacted the Commissioner to complain about the way her request for information had been handled.
7. The scope of the Commissioner's investigation was to determine whether the GMC held any further recorded information in relation to the complainant's requests of 23 January 2011 and 29 June 2011. In order to determine this the Commissioner wrote to the GMC asking it to explain what searches it had carried out for information falling within the scope of the request.

### **Reasons for decision**

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8. Section 1(1)(a) and 1(1)(b) of the FOIA states that any person making a request for information to a public authority is entitled to be informed in writing whether the public authority holds that information, and if it is held, to have that information communicated to him.

9. The GMC explained that following receipt of the request it contacted the Panel Development Team, who are responsible for the training of Fitness to Practice panellists. The response received by the complainant on 28 April 2011 was based on the advice that team had provided.
10. Following receipt of the Commissioner's letter the GMC again contacted the Panel Development Team, who provided electronic versions of the training materials it uses with the Fitness to Practice panellists. Following an electronic search of these documents using the terms specifically mentioned in the request, the GMC confirmed that at the time of the request, the induction training material had not been updated since its creation in 2005/2006, and made no specific detailed references to the issues highlighted in the request. It also clarified that ongoing training mainly takes the form of case law developments and their impact on the adjudication process, and that they contain no specific references to the issues highlighted in the request, although it did confirm that those issues would underlie some of the case studies developed from the case law developments.
11. The Commissioner is satisfied that the GMC has carried out a suitable search for the information requested, and that it did not hold any further information that was relevant to the request. The Commissioner considers that the complainant's request does not cover the case studies developed from the case law developments. The complainant's request is very specific in relation to particular issues, and the Commissioner does not consider that this very specific request would include material that does not specifically reference those issues.
12. The GMC also identified some training material that had been created since the request was made, and which specifically references some of the issues the complainant had raised. The GMC has explained that it was willing to provide this material to the complainant, should it be requested. The Commissioner has seen this information and does not consider that it came within the scope of the original request as it was not in existence at the time of the request. The Commissioner also considers that this information would not come within the scope of the later request of 29 June 2011, as the specific issues mentioned in that request were not covered in the new training material.
13. The Commissioner is therefore satisfied that the GMC has fulfilled its obligations under section 1(1)(a) and 1(1)(b) of the FOIA.
14. Section 10(1) of the FOIA states that a public authority in receipt of a request for information has a duty to respond within 20 working days.
15. From the information provided to the Commissioner in this case it is evident that the GMC did not respond to the complainant within the

statutory time frame. It has therefore breached Section 10(1) of the FOIA.

## Right of appeal

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16. 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: 0116 249 4253

Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

17. 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.
18. 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 .....**

**Rachael Cragg**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**