

BARKING & HAVERING LMC NEWSLETTER

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Merry Christmas
With our very best wishes
for 2006

from

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Freedom of Information Act

GPC members were given a very comprehensive presentation on the Freedom of Information Act by Alex Ganotis of the Information Commissioner's Office. Several important points emerged from this presentation:

- All members of practice staff should have a basic understanding of the Freedom of Information Act as the time limit for responding to a request for information is counted from receipt of the request by the public authority (i.e. the practice).
- All practices should have a publication scheme outlining the type of information available, how it will be made available and the cost of the information. It makes good sense to keep the publication scheme up-to-date, including frequently requested information, because items listed in the publication scheme can command a reasonable charge. Model publication schemes for GPs in England, Wales and Northern Ireland are available on the information commissioner's website: www.informationcommissioner.gov.uk/even-tual.aspx?id=8279
- The Information Commissioner recommends that an internal complaints procedure relating to the Act should be included in the publication scheme. Wherever possible, disputes that cannot be solved by the practice will be resolved by the Information Commissioner. In these circumstances, the Information Commissioner can request the information needed to make a judgement but will never pass this on to the applicant. The Information Commissioner's decision can be taken to appeal.
- The Information Commissioner's Office website contains lots of procedural and exemptions guidance to help practices make decisions about implementation of the Act and requests received for information under it@ www.informationcommissioner.gov.uk/even-tual.aspx?id=74
There is also a helpline available on **01625 545745**. GPs can use this helpline to obtain help in making decisions, though the Information Commissioner will not be able to make decisions on a GP's behalf.
- The Information Commissioner's Office will provide speakers to explain the Act to sufficiently large groups. Practices could also consider approaching their PCT for further information.



Firearms and shotgun certificates

We have been asked to remind GPs that the BMA ethics department has guidance on firearms applications available at:

www.bma.org.uk/ap.nsf/Content/Firearms

In exceptional circumstances a doctor may have good reason to believe that an individual either applying for a firearms certificate, or already in possession of one, may represent a danger either to themselves or to others. In these circumstances doctors should strongly encourage the applicant to reconsider or revoke their application. If the applicant refuses, the doctor should consider breaching confidentiality and telling a senior police officer – usually the Chief Constable of the County or the Commissioner of the Metropolitan Police – of their concerns. Consent should initially be sought from the applicant for contacting the police but if it is not possible to obtain consent, the doctor should consider making his or her concerns known without consent wherever feasible. It is good practice to discuss the reasons for this with the applicant beforehand.



Health Professions Council

We are aware that GPs are often approached by health professionals for certification of fitness to practise. This is owing to a Health Professions Council requirement that health professionals obtain a medical report from a GP, for which the individual is expected to pay.

GPs are under no obligation to undertake this work and, although it is not a contract issue, they should be very wary of doing so. GPs should not sign any forms indicating fitness to practise unless they are completely satisfied about the accuracy of the report. The GPC is working with the Cabinet Office's Better Regulation Executive to try to resolve these issues.



With best wishes

Yours sincerely

Madhu Pathak