

Code A

40459273

From: Jane Durkin [Code A]
Sent: 08 April 2011 14:38
To: [Code A]
Cc: Sunil Kapur [Code A], Anthony Egerton [Code A]
Subject: RE: FOI Request from [Code A]

Code A

Thanks for sight of this. In general, there is a range of bespoke statistics we can produce since Siebel was introduced, and Sunil Kapur can advise on this. It's worth bearing in mind though that the system was introduced at different times for Registration and FPD (November 2007 for Registration and spring/summer 2008 for FPD) – and I'm not sure whether we can automatically pick up a related VE application and FPD case. Statistics going back to 1991 are likely to be very difficult, and you may need to speak to someone in FPD to see what we hold and if the closure status would reflect that the outcome was VE. This element of the request could require extensive search and sorting of data and may be prohibitive under the provisions of the Act. I've added general comments as questions, these are initial observations which I hope will assist in developing your response.

1. How many doctors facing conduct procedures, have been granted voluntary erasures? [since 1991] – As above and Statistics going back to 1991 are likely to be very difficult, and you may need to speak to someone in FPD to see what we hold and if the closure status would reflect that the outcome was VE.
2. If Jane Barton reapplies to be on the GMC register, what checks will the GMC go through to ensure the same conditions are placed on her registration. - We treat every application in accordance with the relevant restoration legislation. In this case it would be The General Medical Council (Voluntary Erasure and Restoration following Voluntary Erasure) Regulations Order of Council 2004 and internal procedures (which we can supply in hard copy). As every case is considered independently, at the time of application, I suggest that our response is clear that we cannot state the outcome of an imagined application .
3. How probable is it that Jane Barton can re-register without any conditions on her registration. – This isn't information that we hold and I suggest it goes beyond our duty to provide advice and assistance.
4. Is Jane Barton free to apply to other countries to work?
5. Please provide the VE judgment related to Jane Barton.
6. Please outline the case law used for the VE judgment in [5]
7. If a doctor fails to pay their registration fee after facing a hearing [resulting in conditions], does the GMC still have a contractual relationship with that doctor. For instance, if they stopped paying their registration fee in April 2004. Can the GMC still suspend them in 2005. We don't have a contractual relationship with any doctor. Under our duty to provide advice and assistance, we could go on to explain that this appears to be a question about whether a doctor is registered or not (as it is their registration which gives us jurisdiction to take any action under FTP) and not a question about whether they have paid their fee or not. That said, our Fees Regulations are explicit about when fees are due; these regulations also outline our fees position whilst a doctor is suspended. Regulation 4(6) states:-

Any person whose registration has been suspended under Part V of the Act shall not be required to pay a fee under this regulation in respect of the period during which his registration is suspended.

Doctors with conditions (and so who are still able to work) are required to pay the appropriate fee, and all the provisions of our Fees Regulations would apply. Finally, our procedures for non payment are also detailed in these Regulations, but it is worth noting that they explicitly state that the Registrar **may** erase for non payment i.e. – it isn't

automatic. This means that a doctor who is under investigation and who doesn't pay their fee, isn't automatically erased.

I hope this is useful, please let me know if you require anything further.

Jane Durkin
Head of Registration Enquiries and Support

From: Code A
Sent: 08 April 2011 13:21
To: Anthony Egerton Code A Jane Durkin Code A
Subject: FOI Request from: Code A

Aj/Jane

The link below will take you to an FOI request (dated 22 March) from Code A that I'm currently dealing with.

Ignore Q1 (I'll obtain the data on that from FPD Information team).

I'd be grateful for your thoughts on the other questions she raises. I don't intend to engage with Code A regarding the specifics of Dr Barton's case - this would attract an exemption in the FOIA. I wonder, however, if we might provide some general information to her regarding doctors who have been granted VE and subsequently apply for restoration? Your advice regarding Q7 would also be useful.

Thanks for your help on this. The FOI deadline is 19 April.

Regards

Code A

<http://livelink/edrms/lisapi.dll/open/39764042>