

Release of Child Records to Non-Custodial Parent

Since this is now a fairly common situation for practices, we have sought legal advice from the BMA Legal Department. The advice is as follows:

If the child's parents are divorced and the non-custodial parent is making the request, the practice needs to satisfy itself as to the conditions with regard to the custody of the child that will have been set out by the court during the divorce proceedings. In order to protect the practice from any breach of the Data Protection Act, the practice should make a request to see a copy of the court order which deals with custody from the parent who has obtained custody. If full unconditional custody has been granted it is probably therefore safe to assume that that parent is the only parent who has the authority to ask for the child's records. This assumes that the child is of insufficient age and understanding to give consent.

If the custodial parent refuses to co-operate practices need to protect themselves and refuse to disclose records to the other parent. Joint custody or partial custody is what practices should be looking for in any court order to be able to release any records to the requesting parent.

Sale of Goodwill

The LMC has heard a rumour that a GP has stated that he has received a sum of money representing goodwill from the sale of his practice.

We would like to remind all GPs that the sale of goodwill relating to essential, additional and enhanced services remains technically illegal.

It is unclear how this is enforced, following the demise of the Medical Practices Committee, and in the current climate it is conceivable that some providers may offer what are thought to be inflated prices for, e.g., premises. Nevertheless, we would counsel against any GP making any suggestion that he has been able to sell goodwill in his practice.

Housing in Derby City and South Derbyshire

You will recall that in the July newsletter we described John Grenville's meeting with Derby City Council Housing Options and mentioned that John would be seeking a meeting with the Chief Executive of Housing Aid. This meeting has now taken place.

Derbyshire Housing Aid is a voluntary organisation which provides housing advice and debt advice. It has a Legal Service Commission (LSC) contract and employs both advisors and solicitors. It covers Derby City and the whole of the area that used to be covered by Southern Derbyshire Health Authority. The question of medical reports was discussed at the meeting and Derby Housing Aid confirmed that they do sometimes ask for medical reports, particularly for people who are applying to their local council for re-housing on the basis that they are street homeless. They average about two or three requests per month in total and, because they have an LSC contract, they are in a position to pay for reports. Reports are likely to ask for confirmation of diagnoses and the GP's opinion on how being or becoming street homeless might impact upon the patient's condition. Clearly, GPs are not obliged to provide such reports but if they choose to do so it may be worth bearing in mind that Derbyshire Housing Aid's back up position if they cannot get a report is to consider instructing a consultant specialist to undertake the examination and report.

GPs who would like further information about Derbyshire Housing Aid or who would like leaflets or posters for their waiting room can contact the organisation at Derby Housing Aid, Community Legal Advice Centre,

Primary Care Surgery Skills Course

Bookings are now being made for the 2008 courses which will be held at the Malmaison Hotel in Birmingham. The courses are fully accredited/approved by the Regional Postgraduate Deanery. 2008 courses will be held on 22-23 March, 21-22 June, 11-12 October 2008. Full details and course programme can be obtained from the website

www.primarycaretrainingacademy.co.uk

East Midlands Ambulance Service

John Grenville recently attended a meeting between EMAS and the East Midlands LMCs. Discussions were useful and wide ranging. In particular, the new protocol for "Doctors' Urgent" requests was clarified. For those doctors who do speak directly to ambulance controllers there is a new protocol which is designed to help the controllers decide whether an emergency ambulance is required but which does not ask doctors the sort of simple questions that have to be asked of lay people.

If a case is less urgent the default time for arrival on the scene is four hours but the GP may request that this be reduced. It is hoped that the new system will free up resources so that truly urgent GP admissions do not keep slipping behind less urgent 999 calls from the public.

Mental Capacity Act 2005

The implementation date for the Mental Capacity Act is 1 October 2007. From this date people will be able to make advance decisions to refuse treatment.

The Advance Decisions to Refuse Treatment (ADRT) Project Team was commissioned by the Department of Health to produce specialist guidance and a training programme to support the implementation of this section of the Mental Capacity Act for the East Midlands. ADRT will be most relevant for people and professionals involved in Advanced Care Planning as part of End of Life Care. This legislation will support people's autonomy, privacy and dignity.

The Project Team would like to inform colleagues in the health and social care organisations across the East Midlands of the launch of the website www.adrtnhs.co.uk

ADDACTION

LMC representatives regularly attend meetings of the Clinical Reference Group of Derbyshire Drug & Alcohol Team.

Client satisfaction surveys will soon be on the Addaction website at <http://www.addaction.org.uk/>

The next training session for the RCGP Certificate in the Management of Drug Misuse takes place on 9 October, 9.30-4.30 at Derbyshire Chamber of Commerce Centre, Chesterfield.

Contact kathryn.walker@derbyshire.gov.uk.

Developing GP Leaders

The RCGP Leadership Programme offers participants the chance to become more effective at leading within their own practice, shaping services and structures locally, understanding the national picture, constructively challenging colleagues in management or in secondary care. The programme is designed to be a life changing experience, enabling GPs to be more effective at interacting with others, at choosing when and how to intervene in local and national decisions and at making the most of the many new opportunities emerging as the NHS changes.

The programme is run over a twelve month period and involves attendance at 4 Friday/Saturday weekends and 4 additional tutorial days, plus private study of 4-5 hours per week.

For more details contact the Programme Administrator on 020 8916 9855 or email nicholanightingale@odpn.co.uk

Latest advice

In the past month GPC has issued advice on the following topics :

Salaried GPs – revised guidance.
2007/08 Choice and Booking DES - use of Choice Read codes.
Confidentiality and disclosure of information to PCTs in primary care settings
Accepting donations from patients.
PBC and wider commissioning – useful weblinks.

Further details of any of these issues are available on application to the LMC office or on the BMA website

www.bma.org.uk

How to contact us

Derby & Derbyshire LMC Ltd office is at Norman House, Friar Gate, Derby DE1 1NU. Our telephone number is 01332 210008, fax 01332 341771. Our email address is now

office@derbyshirelmc.co.uk. The two Practice/PCT Liaison Officers are Melanie Beatham and Kate Lawrence who will continue to liaise with the same North and Southern practices as before the PCT re-organisation. Their email addresses are: melanie.beatham@derbyshirelmc.co.uk and kate.lawrence@derbyshirelmc.co.uk.