

DVLA - Consent for the Release of Relevant Medical Information for Patients

With effect from Monday, 17th August, new rules called *Consent by Assurance* have been implemented by the DVLA relating to the release of relevant medical information for patients applying for driving licences.

The BMA has given agreement that DVLA no longer need to provide the patients written consent from the patient for access to the relevant parts of their records for the purposes of being granted a driving licence.

We are aware that this agreement might generate concerns amongst GPs about patient confidentiality. The GMC web site has a frequently asked questions supplement to their confidentiality guidance – http://www.gmc-uk.org/guidance/current/library/confidentiality_faq.asp and one query advises that doctors should:-

"Obtain, or have seen, written consent to the disclosure from the patient or a person properly authorised to act on the patient's behalf. You may, however, accept **written assurances from an officer of a government department that the patient's written consent has been given.**"

The BMA has taken legal advice about a system of accepting such assurances from a government department, and received written assurances from the DVLA, in the form of a written legal indemnity.

ISA and VBS

You may remember that we drew attention to these two new sets of initials in our November newsletter (Independent Safeguarding Authority and Vetting & Barring Scheme). From October 2009 when you recruit someone new to work with children or vulnerable adults you will need to check their ISA status and the new Vetting & Barring Scheme will go live.

However, it is still mandatory in the NHS to carry

out a full CRB disclosure on any post that meets the criterion for a standard or enhanced check. The ISA and the CRB offer employers different but complementary safeguards when recruiting people to work with vulnerable groups. The ISA is a specialist body concerned with protecting vulnerable groups from harm, with independent experts making barring decisions. The CRB works on the full range of criminal records information, which goes much wider than the ISA's specialist area.

Checking the online status of a person with the ISA is essential to ensure that employers do not employ a person who poses a known risk to children and/or vulnerable adults and to meet the legal requirements placed on them by the Safeguarding Vulnerable Groups Act. However, it is important that CRB checks are used in parallel with VBS checks to ensure that employers are not at risk of employing someone who is unsuitable to do the actual job.

The phasing strategy will be based on risk factors, i.e. those who are new entrants into the workforce and those moving jobs will be the first to go through the Scheme. The remainder of the existing workforce will then be invited to apply to the Scheme based on the time at which they obtained their most recent disclosure. This will be phased into the Scheme over the five-year period in order to minimise the burden of the application fee across sectors by linking it, where possible, to occasions when an enhanced disclosure would be required anyway.

Legally, the responsibility to register with ISA lies with the individual; however, it is unlikely that people will automatically do this when thinking about applying for jobs (particularly in low paid jobs) and therefore onus will be on employers to prompt registration.

Employers will not be able to employ anyone into regulated activity unless they have been ISA registered and therefore it may be prudent for employers to pay for the check. Whether employers reclaim this fee back and how they claim fees back is for local discussion. Factors that will impact on this decision are likely to be around how easy it is to recruit, the pay rates being offered, the competition locally, i.e. whether other employers will pay for VBS checks.

Further details are available at <http://www.isa.gov.org.uk/>

Look after our NHS Campaign posters

A recent edition of BMA News (15/8) featured a campaign poster - 'Worried about the commercialisation of the NHS?' - as a centrefold to display in GP practices, hospitals, community settings, etc.

This and another poster which uses the ARM photo are now available to order.

Each poster is available in two sizes: A4 (ideal for noticeboards) and A2 (420mm x 594mm).

To order your FREE copies, please email info.lookafterournhs@bma.org.uk stating which poster(s) you want, size and quantity, and delivery address.

You can also download pdfs. All details are also on the campaign website - www.lookafterournhs.org.uk

Encryption

Please note that, if you use memory sticks or other portable electronic media containing patient identifiable data, they must be encrypted.

DHIS will be able to give you further information.



advertisement

GP PARTNER REQUIRED FULL TIME (8 Sessions)

Dr Black & Partners, Melbourne

Due to planned growth & semi-retirement, we are looking for a partner to join our 6 partners and 2 part-time Salaried GPs, working from sites in Melbourne & Chellaston.

- GP Training Practice
- Suburban & rural population
- List size 14,000
- Paperlight, EMIS LV system
- Undergraduate teaching
- nGMS & high QUOF achievement

Applications, CV + covering letter to:

Annette Jennison, Practice Manager, Dr Black & Partners, Melbourne Health Centre, Penn Lane, Melbourne, Derbyshire, DE73 8EF. For further information, or an informal visit please: Email: Annette.Jennison@nhs.net Telephone : 01332 694843. For an informal chat please contact Dr David Thomas, Email: David.Thomas@gp-C81108.nhs.uk

Closing date for applications – 9th October 2009

Interview dates: 5th November & 12th November 2009

Sessional GPs conference

“Recognise your talents, realise opportunities:”, Friday 13 November 2009, BMA House, London WC1H 9JP

The aim of the conference is to provide salaried and locum GPs with the tools that they need to succeed, including how to develop the skills they already possess. It will be a very positive day, and will be divided into three key areas: Step 1 Marketing yourself, Step 2 Effective planning and career development: making the job work for you, Step 3 How to meet the challenges of revalidation.

This event will be of interest to all current salaried GPs (including Retainer Scheme GPs) and GP locums. It will also be relevant to those considering becoming a salaried or locum GP.

Registration fees

The cost to attend this one day conference is as follows: BMA member: £65.00 + VAT = £74.75
Non BMA member: £225.00 + VAT = £258.75

Please note that non-members are entitled to the BMA rate if they join the BMA when registering. For further information please call 020 7383 6955 or email membership@bma.org.uk

For further information about the conference please contact BMA Conferences on 020 7383 6819.

Latest advice

In the past month GPC has issued the following:

Flu – locum GPs – death in service benefits.
NHS Complaints Procedure guidance.

Further details 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 reorganisation. Their email addresses are: melanie.beatham@derbyshirelmc.co.uk and kate.lawrence@derbyshirelmc.co.uk