

Freedom of Information Request: Our Reference CTMUHB_386_20

You asked:

1. Has Dr Nick Lyons, Responsible Officer, Medical Director and Deputy CEO been referred to General Medical Council in the past (Right from his career in RAF, Wessex deanery, NHS Revalidation Support Team and in his stint in Cwm Taf Morgannwg University Health Board) for any misconduct, behavioral issues, Noise created, Inappropriate communication, Patient complaints, Patient concerns or any other reasons please?

Under the Freedom of Information Act (FOIA) you have a right to request any recorded information held by a public authority.

However, under this Act some information may not be given to you because it is exempt, for example because it constitutes as personal data about somebody else.

The information that you have requested would constitute personal data relating to someone other than yourself. The Health Board is not obliged to confirm or deny that it holds information, if giving the confirmation or denial to a member of the public would contravene:

- any of the data protection principles; or
- section 10 of the DPA.

and as such Section 40(5)(b)(i) would apply.

The Health Board considers that whether previous referrals had been made or not to the General Medical Council against a named individual acting in their professional capacity, is information that constitutes the personal data of that individual and a breach of the first data protection principle. To confirm or deny would be unfair to the named individual as the reasonable expectation of a member of staff, if a complaint had been made, would be that this would not be disclosed in respect of any complaint unless or until it reached the stage at which it would normally be expected to be disclosed.

Whilst acknowledging the fact that there may be a public interest in knowing if any complaints had been previously made, we would like to assure you that the Health Board takes any complaint it receives very seriously and investigates the complaints it receives about our staff and if appropriate action is taken where required. It may be helpful to know that the Health Board publishes an annual concerns report, the content of which is scrutinised by members of the Board and provides information on themes, trends and corrective action taken.

2. Is he accountable in NHS please for such a responsible position he is in?

Yes.

3. If yes, to whom please?

The Medical Director is accountable to Cwm Taf Morgannwg University Health Board Chief Executive Officer and Board. Also, to the Chief Medical Officer/Medical Director of NHS Wales.