

Freedom of Information Request: Our Reference CTMUHB_214_21

You asked:

I am writing to you to request information regarding concerns about how UPSW is being implemented by employers across Wales in relation to BAME doctors.

As you are aware, Upholding Professional Standards in Wales sets out the procedure for the approach for addressing concerns about capability, performance and conduct for all doctors and dentists employed by Health Boards and Trusts in Wales.

The BMA is concerned that BAME doctors may be more likely to be subjected by employers to a UPSW process. To explore this further, we are seeking a breakdown by grade, ethnicity and country of primary medical qualification for the following:

- i. Doctors who have been placed on restricted duties and/or excluded
- ii. Doctors who were subject to an initial assessment.
- iii. Doctors subject to an informal resolution.
- iv. Doctors subject to a formal investigation
- v. Doctors who have been through the Standard Procedure.
- vi. Doctors who have been through the Extended Procedure.
- vii. The level of sanctions imposed against those doctors that have been through either the Standard or Extended Procedure
- viii. Number of doctors who have appealed the decision of the UPSW Hearing since 2015.

In order to provide an accurate picture, we would be grateful if this data could be collected from the introduction of UPSW in 2015 to date.

Our response:

I can confirm that the Health Board does hold this information. However, to release the specific information in the way that you have requested would mean disclosure of low numbers.

Where numbers are low we have considered that there is the potential for the individuals to be identified from the information provided, when considered with other information that may also be in the public domain.

In our view disclosure of these low figures would breach the General Data Protection Regulation (GDPR) and Data Protection Act 2018 and its disclosure would be contrary to the data pr

tection principles and constitute as unfair and unlawful processing in regard to Articles 5, 6, and 9 of GDPR. We are therefore withholding this detail under Section 40(2) of the Freedom of Information Act 2000. This exemption is absolute and therefore there is no requirement to apply the public interest test.

However, in order to fulfil our obligation under Section 16 of the Act to provide advice and assistance, please find our response below:

Doctors who have been placed on restricted duties and/or excluded	7
Doctors subject to an informal investigation	Less than 5

Doctors subject to a formal investigation	6
Doctors who have been through the Standard Procedure.	Less than 5
Doctors who have been through the Extended Procedure.	Less than 5
The level of sanctions imposed against those doctors that have been through either the Standard or Extended Procedure	• Dismissals • Restricted duties • Written warnings
Number of doctors who have appealed the decision of the UPSW Hearing since 2015.	0

A summary breakdown by grade, ethnicity and country of primary medical qualification has been provided in the table below. Please note that ethnicity is not a mandatory field.

Grade	Ethnicity	Country of Primary Medical Qualification
• Consultant • Specialty Doctor • Local Salaried GP • Associate Specialist	• Black or black British - Caribbean • Asian or Asian British – Indian • Black or Black British – any other black background • Any other ethnic group • Not specified	• Egypt • Russia • Jamaica • Germany • India