

THE NEW GMC GUIDANCE ON CONFIDENTIALITY AND ITS IMPLICATIONS FOR OCCUPATIONAL HEALTH (OH) SERVICES

On 28 September 2009 the General Medical Council (GMC) published new guidance on confidentiality, which came into force on 12 October 2009. The document replaces previous guidance issued in 2004.

The guidance includes a section relating to reports for employers. When an OH doctor is providing a report on an employee to the employer (based on an examination or on records) the doctor should offer to show the report to the employee, or give them a copy, **before** it is sent to the employer. Exceptions include if the employee has already indicated that they do not wish to see it or if disclosure would cause harm to a third party.

The guidance has caused widespread concern among occupational physicians about the practical difficulties associated with compliance (e.g. introducing delays) and unintended consequences relating to the impact that it may have on the perceived impartiality of reports. The professional bodies representing OH doctors have voiced these concerns to the GMC. The GMC has, however, confirmed that its new guidance shall remain, and there are currently no plans for this guidance to be revised or altered in the foreseeable future. Occupational health providers and employers therefore have to adapt to this change.

Most OH doctors are careful to describe verbally the content of a report to an employee. Some doctors will dictate the report in front of the employee, and some will actually type the report in the employee's presence, so that the final report is seen by the employee at the end of the consultation. This last approach is clearly ideal, in light of the new guidance, and an increasing number of doctors at Premier now use this method. However it is not practical, or fair, to expect all of the doctors that we partner with across our network to adopt this method of working. But whatever the method our doctors use, good communication to the employee about the content of the report will, in most cases, mean that the employee will not require a copy of the report before it is sent to the employer.

In summary, we believe that this guidance is unlikely to affect the service our clients receive in most cases, but in a minority of cases it will inevitably introduce some delays in managers receiving our reports.

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