

Below follows the GPC Guidance on the responsibility of GPs:

Commission for Health Improvement (CHI): GPs' obligations

1 What powers does CHI have?

CHI is responsible for raising standards by assessing every NHS organisation and making its findings public, investigating when there is serious failure, checking that the NHS is following national guidelines and advising the NHS on best practice.

To undertake these responsibilities, the CHI regulations ⁽¹⁾ state that:

. CHI may require a GMS GP or PMS provider to produce any document or information which appears to CHI to be necessary for the purposes of the review or investigation in question. However, there are restrictions on the disclosure of confidential information which relates to and identifies a living individual. In certain circumstances, CHI may require information to be put in to a form in which the identity of the individual concerned cannot be identified in order that such information may be disclosed

. in conducting a local review or investigation, CHI may, if it is considered necessary, require a GMS GP or a PMS provider to give an explanation of any matters which are the subject of the review or investigation

. CHI may, if it considers it necessary, require a GMS GP or PMS provider to attend before the Commission in person to produce documents or information or to give an explanation. Reasonable notice must, though, be given for this

. Where information is held by means of a computer, or in any other electronic form, CHI may require the person having charge of the computer or other electronic advice to make the information available or produce the information in a visible or legible form

. CHI may, at any reasonable time, enter and inspect NHS premises for the purposes of conducting local reviews, national service reviews or investigations. NHS premises are those owned or controlled by a health authority, a special health authority, primary care trust or NHS trust. The right of entry does not extend to premises owned or controlled by a GP or operated by a commercial landlord. CHI's power to enter certain premises is entirely distinct from the existing paragraph 27 of GPs' terms of service where on a written request GPs must allow the inspection of premises by the HA or the LMC or both. This power applies to all GP premises and not just NHS premises as defined in the CHI regulations.

[A local review deals with the arrangements made by HAs or NHS trusts for the purpose of monitoring and improving the quality of healthcare for which they have responsibility or the arrangements made by PCTs for monitoring and improving the quality of healthcare provided by their relevant service providers.

A national service review involves reviewing and reporting on the management, provision or quality of, or access to or availability of, particular types of healthcare for which NHS bodies or service providers have responsibility.

An investigation relates to the management, provision or quality of healthcare for which health authorities, PCTs or NHS trusts have responsibility.]

2 Do GPs have to co-operate with CHI investigations?

Yes.

Whilst GPs' terms of service do not require them to provide information to the Commission, there are considerable obligations contained in the CHI regulations (see above) that can be placed on GPs to provide this. The Commission's rights, and the GP's obligations to respond, sit alongside the GP's rights and obligations under his or her terms of service. This can be compared, for example, with obligations on GPs, where relevant, to allow for a VAT inspection. The two sets of obligations are distinct, but each places a burden on the GP.

It should also be noted that those who, without reasonable excuse, obstruct CHI in the exercise of its duty may be found guilty of an offence and liable on a summary conviction to a fine not exceeding level 3 on the standard scale (currently, a fine not exceeding £1,000).

Also, although GPs who own their own premises or whose premises are operated by a commercial landlord, do not have to allow CHI to enter their premises, there is still a duty to co-operate with CHI (ie to provide relevant information/explanation and documentation, where necessary).

3 Can GPs charge a fee for providing information or attending meetings with CHI?

No.

At present, there is no provision in the CHI regulations for the payment of a fee by CHI when an investigation takes place. The GPC is making representations for this to change.

4 Do the CHI regulations require that an LMC be consulted when CHI is visiting their area?

No.

However, the GPC has stressed to CHI that it would be helpful to all concerned for the LMC to be consulted.

⁽¹⁾ Commission for Health Improvement (Functions) Regulations 2000 – SI 2000 No 662, as amended by the Commission for Health Improvement (Functions) Amendment Regulations 2000 – SI 2000 No 797.