

13. Any communication concerning the suspected or established disability of an individual or any subsequent medical report should in each case be made and handled in strict confidence and should not be disclosed except to persons (who may, where appropriate, include the Registrar of the General Medical Council) whose duties require them to know of it. Unless otherwise ordered by a court of other authority or body which has the legal power to make such an order, such material should not be made available to any other person or body.

DRUG ABUSE

14. Nothing in this circular affects the advice on the control of Dangerous Drugs and Poisons in Hospital which was circulated with HM(58)17. The relevant paragraphs advise that it is in the interests of the employee and of the public that employing authorities should consult the police wherever they have grounds for suspecting that one of their staff is misusing or misappropriating dangerous drugs, and that the police and not the authority should make the enquiries necessary to establish whether drugs are being misused or misappropriated and if so by whom. Similar arrangements apply should suspicion arise in the community health service.

DISCIPLINARY CASES

15. The recommended procedure (above) is intended to deal with cases where disability (including addiction to drugs or alcohol) is suspected in a member of medical or dental staff which might, if not remedied, lead to harm or danger to patients. It is not intended to replace or detract from the procedures set out in HM(61)112 and Section XXXIV of the General Whitley Council Conditions of Service. However, it may be appropriate to use the procedure recommended above in cases where it is possible that disciplinary action could arise but where there is reason to suspect disability.

PUBLICITY

16. The recommended procedure described in this circular can operate only if its existence is known to staff who might be concerned. Regional Health Authorities, District Health Authorities and Boards of Governors, as appropriate, are asked to remind the relevant professional committees annually of the need to elect the panel, and to ensure that all staff liable to be concerned know of the machinery and that all medical and dental staff and heads of other services know of the identity of the panel members.

17. Although the primary purpose of these arrangements is the protection of patients, the Secretary of State considers that the National Health Service has a responsibility towards staff who become disabled, and asks employing Authorities to arrange wherever possible in such cases, for treatment, rehabilitation and, if appropriate, retraining, so that the best use practicable may be made of impaired abilities as is consistent with the interest of patients. Medical and dental staff employed by Health Authorities who have completed 5 years service as members of the NHS Superannuation Scheme are entitled, if they become permanently incapable of discharging efficiently the duties of their employment by reason of physical or mental infirmity, to retire with immediate superannuation benefits under the scheme. If the incapacity is the result of an injury sustained, or a disease contracted, in the course of National Health Service employment and earning ability is permanently reduced by more than 10% then, in addition to any superannuation benefit which might be awarded, a continuing allowance could be payable under the National Health Service (Injury Benefits) Regulations.

CIRCULARS CANCELLED

18. HM(60)45 and Dear Secretary letter DS216/74 of 23 August 1974 are hereby cancelled.

ACTION

19. Authorities are requested:-

- i. To ask appropriate professional committees to set up special professional panels (paragraph 3).
- ii. On receiving a report under this circular, to consider what action should be taken and whether the General Medical Council should be informed (paragraph 9).
- iii. To give instructions to protect the confidentiality of any communication made under the provisions of this circular unless disclosure is ordered by due legal process (paragraph 13).
- iv. To obtain from professional committees concerned annually the names of persons who constitute the panel and to inform all concerned who the members are (paragraph 16).
- v. FPC Administrators are asked to arrange for copies of this circular to be sent to Local Medical and Dental Committees for information. Sufficient copies are forwarded for this purpose.

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