

CONFIDENTIALITY MARKING

AGENDA ITEM NO:

**UNIVERSITY HOSPITALS BIRMINGHAM NHS FOUNDATION TRUST
BOARD OF DIRECTORS
THURSDAY 27 JANUARY 2011**

Title:	NOMINATION OF RESPONSIBLE DIRECTOR
Responsible Director:	David Burbridge
Contact:	David Burbridge Ext : 14317

Purpose:	To seek Board ratification of the nomination of a responsible officer, in accordance with the Medical Profession (Responsible Officers) Regulations 2010.
Confidentiality Level & Reason:	None
Medium Term Plan Ref:	N/a
Key Issues Summary:	The Medical Profession (Responsible Officers) Regulations 2010 (the "Regulations") came into force on 1 January 2011. Under the Regulations, the Trust is required to nominate or appoint a responsible officer
Recommendations:	The Board is asked to ratify the nomination of the Medical Director, Dr Dave Rosser, as the responsible officer for the Trust.

Signed:	Date: 27 January 2011
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UNIVERSITY HOSPITALS BIRMINGHAM NHS FOUNDATION TRUST

BOARD OF DIRECTORS THURSDAY 27 JANUARY 2011

NOMINATION OF RESPONSIBLE OFFICER

PRESENTED BY DIRECTOR OF CORPORATE AFFAIRS

1. The Medical Profession (Responsible Officers) Regulations 2010 (the "Regulations") came into force on 1 January 2011. Under the Regulations, the Trust is required to nominate or appoint a responsible officer, whose responsibilities are as follows:
 - 1.1 to ensure that the Trust carries out regular appraisals on medical practitioners (such appraisals must involve obtaining and taking account of all available information relating to the medical practitioner's fitness to practise in the work carried out by the practitioner for the Trust, and for any other body, during the appraisal period);
 - 1.2 to establish and implement procedures to investigate concerns about a medical practitioner's fitness to practise raised by patients or staff of the Trust or arising from any other source. Such procedures must include provision for the medical practitioner's comments to be sought and taken into account where appropriate;
 - 1.3 where appropriate, to refer concerns about the medical practitioner to the General Council;
 - 1.4 where a medical practitioner is subject to conditions imposed by, or undertakings agreed with, the General Council, to monitor compliance with those conditions or undertakings;
 - 1.5 to make recommendations to the General Council about medical practitioners' fitness to practise;
 - 1.6 to maintain records of practitioners' fitness to practise evaluations, including appraisals and any other investigations or assessments.
 - 1.7 to co-operate with the General Council and any of its committees, or any persons authorised by the General Council, in connection with the exercise by them of any of their functions relating to registration and medical education.
2. Additionally, the Trust has a duty to nominate or appoint a second responsible officer where there is a conflict of interest or an appearance of bias between the first nominated responsible officer and a medical practitioner in respect of whom that responsible officer has responsibilities for.

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- 2.1 A responsible officer must, at the time of appointment, be and have been a medical practitioner throughout the previous 5 years, and for this purpose “medical practitioner” means a person who was fully registered under the Medical Act 1983. A responsible officer must continue to be a medical practitioner in order to remain as a responsible officer.
- 2.2 It would appear appropriate for the Medical Director to be nominated as the Trust’s responsible officer. The Chief Executive made such a nomination to cover the period from 1 January to date and the Board is asked to consider, and if thought fit, to ratify that nomination.
- 2.3 As a responsible officer cannot be the responsible officer in relation to his/her own status as a medical practitioner, the responsible officer for that individual is the responsible officer of the Strategic Health Authority in whose area the Trust is located, i.e. West Midlands SHA. The SHA’s responsible officer’s duties in relation to the Trust responsible officer are similar to those set out in paragraph 1 above, save that the responsible officer must take reasonably practicable steps to ensure that appraisals are carried out by the Trust.

3 Recommendation

The Board is asked to ratify the nomination of the Medical Director, Dr Dave Rosser, as the responsible officer for the Trust.

David Burbridge
Director of Corporate Affairs

27 January 2011