



**Defence Business Services**

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Ref: FOI2022/00790

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15 February 2022

Dear [REDACTED]

Thank you for your email of 18 January 2022 to the Ministry of Defence (MOD), regarding Veterans UK Medical Advisors (MAs) signing advice on War Pension files.

You requested the following information:

*"I would like to confirm I do not feel the question asked has been answered. I asked what the policy was regarding MAs signing Claimant's files and you have confirmed the MA signatures are fictitious. I would like to clarify once again what is the policy concerning signing of case files is it a requirement for the case files to be signed in order to be legal?"*

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for the information has now been completed within the MOD and I can confirm some information in scope of your request is held.

I will first explain that under Section 16 (Advice and Assistance) the MOD is not required to release the names or qualifications of its employees, where doing so would contravene other legislation such as the Data Protection Act.

The General Medical Council (GMC) has confirmed that where an individual makes a direct approach to a Doctor for their qualifications, the Doctor must provide the requested information, for example where a patient makes a verbal request to their General Practitioner (GP). However, as DBS customers are unable to approach the Veterans UK Medical Advisors (MA's) directly, the release of a MA's personal information is dependent upon other rules and regulations such as the UK Data Protection Act 2018 (UK DPA 18). GDPR Article 23(1) and the UK DPA 2018, Schedule 2, Part 3, covers the Protection of Rights of Others, specifically in relation to Health, Social and Education workers. In accordance with paragraph 17(1)(a) it is to be considered reasonable for a controller to disclose information to a data subject without the consent of the other individual where:

(a) the health data test is met. 17(2) explains, the health data test is met if – (a) the information in question is contained in a health record, and

(b) the other individual is a health professional who has complied or contributed to the health record or who, in his or her capacity as a health professional, has been involved in the diagnosis, care or treatment of the data subject.

The War Pension or Armed Forces Compensation Scheme file does not constitute a health record, and MAs are not involved in the diagnosis, care, or treatment of claimants. The MA's role is to provide advice and guidance based upon pre-existing medical evidence which is used to determine the level of disablement in accordance with the relevant scheme rules. I can confirm that Veterans UK is unable to release the titles, GMC numbers or full names of MAs, if consent has not been given.

The legislation which governs the War Pensions Scheme makes no mention of signatures. A Directive has now been put in place for Veterans UK staff to follow where an MA does not wish to provide a signature on the file and this recorded information is in scope of your request and is provided below.

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.gov.uk](mailto:CIO-FOI-IR@mod.gov.uk)). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely,



Acting Head DBS Secretariat Team

<b>Veterans UK</b>	<b>OPPT Directive</b>
<b>Issue No:</b>	<b>03/2022</b>
<b>Date:</b>	<b>20 January 2022 – Amended 25 January 2022</b>
<b>Subject:</b>	<b>Disclosure of Medical Adviser names and qualifications</b>
<b>For Action:</b>	<b>Ops C2s for distribution</b>
<b>For Information:</b>	<b>Assurance Team, VWS, DTS, MAs</b>
<b>Published on:</b>	<b>SharePoint - Compensation Scheme Guidance Library DOI - OPPT WPS GUIDANCE</b>

This Directive informs staff what to do when a Medical Adviser (MA) does not sign a medical certificate or medical advice or provides a pseudonym in lieu of their actual signature.

### **Background**

The requirement for transparent decision making is essential but this must be balanced against the safety of public servants.

Historically, Veterans UK MAs have included their names on medical certificates or medical advice relating to compensation claims/appeals.

Until further notice from the date of the Directive, any MA who wishes to withhold their name will be asked to give three pieces of information when completing a certificate or giving advice:

- A pseudonymised identity in lieu of their name
- Their qualifications
- Confirmation that they are registered with General Medical Council (GMC) and whether they are on the GP or Specialist register.

### **Process**

Each MA who wishes to withhold their identity will be asked to supply the above information and this will be kept on a table held in the Additional Information library/folder [here](#). The list will be updated by the MA Distribution & Support Officer to reflect personnel changes.

Therefore, any medical certificates or advice completed from the date this Directive is issued will either be signed using a pseudonym or (where the MA does not wish to withhold their identity) will be signed as normal.

There is a degree of flexibility built into the process. Some MAs may be content to reveal their identity, some may not, and others may be content except for certain cases (such as highlighted UCB cases, for instance).

### **Transitional cases**

There will be cases in the system which pre-date this Directive where the MA has left the signature field blank on their certificate or advice. This will result in some further actions having to be carried out:

### Appeal caseworker action

In the event of an appeal, any unsigned medical certificates or advice on file which will be included in the appeal response should be first completed by the caseworker using the pseudonymised information from the table mentioned above.

If the name of an MA is not on the table, please contact the MA Distribution & Support Officer who will then provide a pseudonym and update the table accordingly.

Departmental Representative (DR) action

The DR can access the table to provide the pseudonymised information to the parties present at tribunal hearings, should the requirement arise.