



# HAMPSHIRE

## CONSTABULARY

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**Our ref:**  
**Your ref:**

5 September 2017

Dear Partners

### Re: BMA Advice - Charging for Police Access to Medical Records

I write with regard to recent correspondence from the BMA's Professional Fees Committee dated 20 June 2017, a copy of which has been sent to this force. This letter recommends changes to the long standing process of police obtaining medical records from General Practitioners to assist with criminal investigations.

The amended guidance to GP surgeries suggests that fees can be levied to police forces for such access. Further, that access should only be for serious crime and a senior police officer, of Superintendent rank, should authorise such a request.

The Chief Constable of Suffolk, Gareth Wilson is addressing these issues directly with the BMA on behalf of all forces. In the interim I wanted to articulate my concerns and the implications of this locally.

Firstly, I do not believe that in the current climate of reducing budgets and increasing joint working across public sector, one organisation should be charging another. This is counterproductive and could lead to a position where public services retract inwards instead of working smarter together. Locally this is compounded by the fact that Hampshire Constabulary is the second lowest funded force in England and Wales, which sees us receive £45m less than the average police force each year. A further negative impact on a tight financial position would lead to operational impacts on service delivery. I would strongly suggest that we maintain the status quo in that there is no charge for access to GP medical records, when the appropriate disclosure test is met.



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Whilst it is entirely appropriate that mutual assistance costs do not rest solely with GP surgeries, I believe that the police service provides support to the wider NHS and local patients in many mutually beneficial ways which are not itemised or invoiced.

Secondly, in order to protect our frontline staff we have reduced senior officers across Hampshire Constabulary by a third. The Superintendents we have lead departments and critical business areas, I would not support a further bureaucratic abstraction in officers at this rank signing Data Protection requests. The process in Hampshire, which we will retain, is that these requests will continue to be authorised by senior leaders but at Inspector rank. I have every confidence in officers at this rank making sound decisions in this regard.

Thirdly, the amended guidance makes reference to serious crime as a qualifier to release medical records. Whilst we continue to investigate serious crimes across our force area, we also have a need for medical evidence when investigating reports of other crimes. More commonly we receive reports of assaults ranging in severity, many of which stem from domestic abuse which is one of our force priorities and one where all public services can contribute to preventing this high impact crime. We will continue to make requests for medical records for offences where we believe that evidence is essential in bringing an offender to justice and in doing so protecting the public. Whilst this will include the serious crime listed, it will also include some other crime types.

Finally the guidance raises issues in relation to patient consent. We will always, where appropriate, seek to obtain the consent of the patient before approaching you. In certain circumstances such as where we have safeguarding concerns or there are public protection matters this however may not be possible.

I will be reminding our staff of the need to ensure that medical records are only sought where necessary to prevent and detect crime and I am happy to hear feedback if you believe this not to be the case, or if you wish to suggest amendments to our working practices. I believe we have a common aim of protecting the public and ensuring people are safe and that this is at the core of public service delivery.

I very much hope that you can continue to support our longstanding good working relationships across Hampshire, Portsmouth, Southampton and the Isle of Wight.

Yours faithfully



Sara Glen  
Deputy Chief Constable

CC: Chief Constable Gareth Wilson, Suffolk Constabulary  
Michael Lane, Police & Crime Commissioner for Hampshire and IoW



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