

Notes on Dealing with Confidentiality during the Appraisal

Your aim is to make your appraisee feel at ease and comfortable whilst ensuring, at the beginning of each appraisal meeting, that they understand the meaning of confidentiality within the context of appraisal and that there would be rare circumstances in which you would be required to disclose aspects of your discussion to a third party.

It is *not* enough to assume that they understand the issues, or to rely on what you have already discussed either in person or via email before the meeting.

If you fail to make sure the appraisee understands this issue clearly and then you later have to make a disclosure, the appraisee could have a legitimate complaint under the Data Protection Act 1998.

In your introduction you must be explicit about your obligations under the GMC to act on evidence, or serious suspicions, that patients are at risk because of the actions of a fellow doctor. You should also make sure that the appraisee understands that your discussion will not be shared with, for example, their colleagues in the same department or practice; and also that they understand, certainly by the end of the meeting, what will happen to the appraisal forms.

As with the rest of the appraisal meeting, a lot will depend on your own natural style and on your relationship with a particular appraisee.

It can be difficult to encourage an open discussion when you are asked to start the meeting by outlining the GMC confidentiality regulations, but bear in mind that unlike other professional interactions we are specifically requiring doctors to bring sensitive material to be discussed, such as complaints or performance issues.

It is important in your introduction to outline confidentiality in such a way that you set up a safe place to discuss any sensitive issues that the appraisee might bring.

Consider starting the discussion with:

“The confidentiality of this appraisal is limited by our GMC obligations, particularly regarding patient safety and probity.

After the meeting I will write up the summary of our discussions via the Form 4, which will be viewed by the Responsible Officer or deputy at your next revalidation. It will also be available on SOAR for your future appraisers to review.”

Further examples from appraisers and their comments

We invited experienced appraisers to share their approaches to the confidentiality statement. You may find the below examples and comments helpful in reflecting on the approach(es) you use.

Examples	Comments
<p><i>“Before we start, can I just check that you are happy with appraisal in general and that you understand that everything we discuss is confidential?”</i></p> <p>There is usually a “yes” in reply, or we discuss any concerns that they have. I then follow it up with</p> <p><i>“The only exception to this is if either of us discovers a matter of severe concern that would put patient safety at risk. Then we have the same duty to do something about it as we would with a patient who was a danger to the public.”</i></p> <p>Often I also make the point that it applies to them having a concern about me as well as the other way round.</p>	<p>Gives the appraisee the opportunity to raise concerns.</p> <p>Uses ‘we’ rather than ‘I’ when talking about the GMC – a less threatening approach.</p>
<p><i>“Just a quick word about confidentiality before we begin. I want you to understand that our discussions, and your documents, remain confidential between you and me – protected in much the same way as doctor-patient confidentiality. I will not disclose anything that we discuss to a third party.</i></p> <p><i>Having said that, I have to add – and this is most unlikely – if any issues about patient safety come to light, I will need to discuss this with you and may stop the appraisal and, as a doctor, I am obliged to escalate it initially with the board's Appraisal Lead.</i></p> <p><i>Do you understand that? Any questions about confidentiality before we go on?”</i></p>	<p>Makes the comparison with the doctor-patient relationship, which may be an analogy that is easy to grasp, although ‘I am obliged to escalate’ can sound somewhat alarming.</p>
<p><i>“To remind you of the issues of confidentiality: everything that is discussed between us will remain totally confidential. The only exception I would have to make to this would be if an issue arose that I had to report under my obligations to the GMC. I would advise you that the appraisal had stopped and the course of action I needed to take.</i></p> <p><i>All of the evidence you have gathered remains your property. The only material I will take away will be an agreed summary of your learning plan and the summary of our appraisal discussion via the Form 4, including your PDP for the year ahead.</i></p> <p><i>I would like to make notes during the meeting, with your permission. I will destroy these once Form 4 is agreed.”</i></p>	<p>Covers note-taking – and scrap bits of paper (potentially with confidential information on them!)</p>

Examples	Comments
<p><i>“Please be reassured that your appraisal is completely confidential. Your portfolio and what you say to me is completely confidential, with one proviso. That is, if during the course of your appraisal we find that patient safety is compromised, confidentiality may be broken. We will of course be guided by the principles laid out by the GMC.”</i></p>	<p>Includes the paperwork in the confidentiality discussion</p>
<p><i>“You should see this as a safe space in which you can talk about where you have come from, where you see yourself now, and where you would like to go. Everything that we discuss during the appraisal remains confidential. In particular, I shall not disclose anything we discuss with any of your colleagues and vice versa.</i></p> <p><i>The only situation in which I would breach confidentiality is if I were to become concerned that you may be a serious risk to patients, others or yourself, or involved in a breach of probity – when the GMC rules oblige all doctors to share their concerns. Is that OK with you?”</i></p>	<p>Sets the context by giving a positive description of the purpose of appraisal rather than launching straight into confidentiality.</p> <p>Gives reassurance that the discussion will not be shared with colleagues whom the appraiser may also be appraising.</p>

The opening of the appraisal can feel awkward, particularly when introducing the statement about GMC responsibilities. However, feedback from appraisers suggests this has not had a negative impact on the appraisal discussion.

Given the sensitive nature of the supporting information submitted, it is essential to establish a safe and trusted space in which appraisees can speak openly. This includes being clear from the outset about the ground rules and the limits of confidentiality.

While this is not an issue in the vast majority of appraisals, questions can arise where an appraiser feels they need to escalate a concern, or where an appraisee wants clarity about who may have access to their appraisal submission.

Being explicit about these points is not onerous, and it helps to cover any unlikely eventualities.