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***Please quote our reference in your reply***

Our ref: 1514882-00

Your ref:

Date: 01/12/2015

**PRIVATE AND CONFIDENTIAL**

Ms T Dell

Dear Ms Dell

**Re: Calderdale Council certificate of fitness to drive a taxi**

Thank you for your correspondence which I received on 01/12/2015. I note that you have already discussed this matter with my colleague, Dr Hogwood on the advice line. Dr Hogwood is currently engaged on other MDU business and your file has been passed to me. I am pleased to offer advice and assistance within the terms of Memorandum and Articles of Association of the MDU.

I understand that doctors at your practice have raised concerns about completing a certificate of fitness to drive form, provided by Calderdale Council. I note that this is a separate form to the DVLA medical examination report, form D4.

Thank you for sending me copies of the form from Calderdale Council and the DVLA form D4.

I note that the Council form places the onus on whether or not the applicant is fit to drive on the medical practitioner however, as I am sure you are aware, it is the DVLA who are legally responsible for deciding if a person is medically unfit to drive, not the doctor who examines the applicant.

The GMC have issued guidance about reporting concerns to the DVLA about a person’s fitness to drive and I have attached a copy of this guidance with this letter for your background information.

Paragraph 3 advises that if a doctor has any queries about a patient’s fitness to drive, then they should seek the advice of an experienced colleague or the DVLA’s medical adviser.

I wonder whether the form from Calderdale Council was produced by them, following the sad case of a council worker who was involved in a serious accident whilst driving a council vehicle in Glasgow. I note from your email that you plan to contact the DVLA to ask them about this form and I would be interested to know their comments. You might also like to contact your LMC to discuss this matter as this may be an issue which is affecting other practices in your area.

In summary, it is the responsibility of the DVLA, not the doctor, to legally decide whether or not an applicant is fit to drive.

If you would like to discuss this matter, please do not hesitate to contact me; I would be happy to discuss any concerns you may have. Please do let me know if you receive any further correspondence relating to this matter.

Please quote your file reference number **1514882-00** on all subsequent correspondence relating to this matter, to help ensure an efficient and prompt response. If responding by email please use the “REPLY” button to ensure file data are included.

Yours sincerely

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THE MEDICAL DEFENCE UNION

IMPORTANT NOTICE

Data protection

**Protecting patient information**

Many members, including general practitioners and consultants working in private practice, will be considered data controllers under the Data Protection Act 1998 and are therefore bound to inform patients about how they will use the data they hold about them. It would therefore be prudent to inform patients - in practice leaflets and complaints procedures etc - that, should a patient make a complaint, the practice may need to provide information about the patient, and treatment they have received, to insurers or legal advisers.

**Help us to help you**

In addition, when seeking medico-legal advice from the MDU, please remove or blank out information that would identify or help to identify the patients concerned, unless we specifically need the information or we have requested original or copies of patient records. Providing us with documents that contain personal data about patients may delay our ability to respond quickly as we may need to remove patient details from incoming correspondence before passing it on to our Advisory team.

*Enclosure: Confidentiality: reporting concerns about patients to the DVLA or the DVA*