

To consider

Acceptable Overseas Qualifications

Issue

1. Revisions to the criteria for an acceptable overseas qualification in order to ensure consistency and transparency in their application to registration decisions.

Recommendations

2. To agree that, for the purposes of section 21B(2) of the Medical Act 1983 as amended, an acceptable overseas qualification will be defined in accordance with the following criteria (paragraphs 12-32):

- a. It must be a primary medical qualification in allopathic medicine that has been:
 - i. Awarded by an institution listed on the Avicenna Directory for Medicine¹, or
 - ii. Is otherwise acceptable to the GMC, and
 - iii. Is currently acceptable to the GMC.

¹ Referred to throughout the remainder of this document as the Avicenna directory

- b. Where a qualification is not listed on the Avicenna directory it will be otherwise acceptable to the GMC only where:
- i. The reason that it is not listed is either because the country, under whose auspices the qualification is issued, is not recognised by the United Nations or the qualification is a primary European Qualification, and, in either case,
 - ii. The qualification satisfies all of the other criteria for an acceptable overseas qualification.
- c. Where relevant the institution listed in the Avicenna Directory must have a physical address within the country under whose auspices the qualification is issued.
- d. It must have been awarded after a programme of study comprising at least 5,500 hours over a minimum period of three years, or four academic years full time equivalent study. For this purpose a programme of study will:
- i. Exclude study at an institution where the student was considered unsuitable to qualify as a doctor and has either been refused graduation or perhaps offered an alternative degree title.
 - ii. Exclude study at an institution which is not currently, or was not at the time of the student's studies there, acceptable to the GMC.
- e. It must not have involved a programme of study where more than 50% of that study (compared to the standard duration of the qualification) has been undertaken outside the country that awarded the qualification.
- f. It must not have involved following a programme of study where more than 25% of that study (compared to the standard duration of the qualification calculated using total hours of study) has been undertaken by distance learning. Distance learning will include learning by correspondence, using the internet or online learning methods, self directed learning and any training or learning which is undertaken other than on a face-to-face basis.
- g. Where the qualification held by an applicant fails to satisfy any one or more of the above criteria that application must be refused (on the grounds that the applicant does not hold an acceptable overseas qualification).

Further information

3. If you require further information about this paper, please contact us by email: gmc@gmc-uk.org or tel. 0161 9236602.

Background

4. The recommendations set out in this paper relate to Strategic Aim One of the 2010 Business Plan, which states that we will continue to register only those doctors that are properly qualified and fit to practise and to increase the utility of the medical register.

5. The substantive issue is the need to revise, in the light of experience, the criteria by which the Registrar (and periodically Registration Appeals Panels) determines whether a primary medical qualification awarded overseas is acceptable to the GMC.

6. For the purposes of an application for registration, international medical graduates and exempt persons are required to satisfy the Registrar that (amongst other things) they hold an acceptable overseas qualification. The Medical Act 1983 as amended requires that the General Council define which overseas qualifications are acceptable².

7. In practice this is achieved by Council specifying general criteria that an overseas qualification shall meet. In 2006 Council, through its Registration Committee,³ determined that an acceptable overseas primary medical qualification would be one which met the following criteria:

- a. Has been awarded by an institution which is listed in the WHO Directory or is otherwise accepted by the GMC.
- b. Has been awarded by an institution which has a physical address included in the WHO Directory.
- c. Has been awarded after a course of study comprising at least 5,500 hours (or four years full time equivalent study).
- d. Has not involved following a course of study undertaken wholly or substantially outside the country that awarded the PMQ.
- e. Has not involved following a course of study undertaken wholly or substantially by correspondence.

8. The Committee noted that an application which does not comply with the requirement at paragraph 7a above would be refused on the grounds that it was not an acceptable qualification. An application which complied with that paragraph, but lacked compliance with one or more of the other requirements, would be subject to further review.

² In this Act, an “acceptable overseas qualification” means any qualification granted outside the United Kingdom, where that qualification is for the time being accepted by the General Council as qualifying a person to practise as a medical practitioner in the United Kingdom (ref section 21B(2)).

³ As a delegated function of Council specified under Standing Orders.

9. Although the criteria have been broadly effective, a number of issues have arisen over both their interpretation and their effect in aggregate. Critically on three occasions a Registration Appeals Panels has interpreted the criteria differently to the Registrar and overturned the Registrar's decision to refuse registration.

10. The Registration Reference Group's terms of reference include, among other things, advising Council on the policy framework that the Registrar will apply to determine which overseas qualifications are acceptable for the purposes of registration.

11. On 15 June 2010 the Registration Reference Group endorsed proposals setting out revisions to the criteria for an acceptable overseas qualification and agreed that these be presented to Council on 13 July 2010.

Discussion

12. The current criteria are described below together with details of the issues to be addressed and the proposed enhancements.

13. In terms of equality the proposed changes will help ensure consistency in how the agreed criteria are applied. Greater clarity around the application of the criteria will also help reduce delay in the decision making process. For those who are successful this will help minimise the risk to international medical graduates' immigration status where that status is dependent on their ability to work.

14. It is also important to note that only a small number of international medical graduates are deemed not to hold an acceptable primary medical qualification⁴.

Criterion one

15. At present an acceptable primary medical qualification must have been awarded by an institution listed in the WHO Directory (of medical schools) or otherwise accepted by the GMC.

16. The WHO Directory has been replaced by the Avicenna directory. An entry in the Avicenna directory indicates that the institution is recognised by the relevant authorities in the country in which it is based. Only countries recognised by the United Nations are included in the directory.

17. The directory (and its predecessor) includes a range of qualifications such as medical qualifications in traditional Chinese medicine. It is self evident that only allopathic⁵ primary medical qualifications can be acceptable to GMC.

18. In addition to excluding some of the qualifications listed in the directory we also need to make provision to accept a small number of qualifications which, for various reasons, are not listed in the directory. These are:

⁴ 2008 = five; 2009 = three (all overturned on appeal) and 2010 (to date) = 10

⁵ This is usually defined as traditional western scientific medicine.

a. Qualifications which cannot be listed because the country is not recognised by the United Nations. Currently this includes Palestine which has two medical schools and Taiwan which has eight.

b. A qualification issued by the University of Udine in Italy. Although this complies with the requirements of the relevant EC Directive⁶ and will allow EEA nationals (and those entitled to be treated as such) to obtain full registration (on the basis that they hold a primary European qualification) the Italian authorities have not yet requested that it be listed in the Avicenna directory. Those who are not EEA nationals (or entitled to be treated as such) who have followed this course of study would need to seek to register with us as international medical graduates. In addition to demonstrating current knowledge, skills and experience through one of the approved mechanisms they will also need to satisfy the Registrar that they hold an acceptable overseas qualification.

19. We would not wish to reject these qualifications for the sole reason that they were not listed in the Avicenna directory.

Criterion two

20. This criterion currently requires that the institution awarding the qualification must have a physical address included in the WHO Directory (now the Avicenna directory). The purpose of this criterion is to prevent the award of a qualification by a country where the institution does not have any physical presence in the country. We will not accept an address outside the country awarding the qualification.

Criterion three

21. Currently the qualification must have been awarded after a course of study comprising at least 5,500 hours (or four years full time equivalent study)⁷. We need to provide greater clarity about what we mean by a course (or programme) of study. In developing this criterion we are not seeking to prevent all transfers between medical schools. We recognise that students may have bona fide reasons for seeking to transfer, including family commitments, illness, etc. However, in calculating the duration of a programme of study we need to ensure that we only include those components which provide assurance about the quality of the medical education received. Specifically we wish to:

a. Exclude study at an institution where the student was considered unsuitable to qualify as a doctor and will either have been refused graduation or perhaps offered an alternative degree title.

⁶ EC 2005/36 on the recognition of professional qualifications.

⁷ This criterion was agreed in 2006 as it took into account the Medical Act and EC Directive (93/16/EC and now 2005/36/EC) which state a complete period of medical training shall comprise at least a six-year course or 5,500 hours of theoretical and practical instruction given in a university or under the supervision of a university. However, in 2006 we identified that we had four-year accelerated courses for science graduates in the UK and the criterion took this into account.

- b. Exclude study at an institution which is not currently, or was not at the time of the student's studies there, acceptable to the GMC.
- c. Clarify that four years study means four academic years.
- d. Clarify that 5,500 hours must have been undertaken over a minimum period of three academic years (this is because we are aware of overseas qualifications which are currently acceptable to the GMC where they have been completed in three academic years).

Criterion four

22. This criterion currently requires that the qualification must not have been gained following a course of study undertaken wholly or substantially outside the country that awarded the primary medical qualification.
23. This criterion is necessary to deal with a small number of students who move from university to university in order to obtain an acceptable overseas qualification. In some cases not only may they have spent as little as 12 months studying under the ambit of the overseas institution but that may not have included any time in the country awarding the qualification.
24. Currently this approach is particularly prevalent for medical schools based in the Caribbean where there is a high density of medical schools but insufficient hospital positions to allow the students to undertake practical training. As a result the final part of the programme (when students undertake their clinical rotations and/or electives) will be undertaken entirely outside the country awarding the qualification. Students accepted into the course at the clinical stage may not spend any time in the country awarding the qualification. Presently the arrangements to undertake the clinical component tend to be with hospitals in the US and the UK. We have been unable to establish the nature of these arrangements and particularly the extent of supervision that such students receive or what measures the medical schools have in place to assure the quality of the training received by students whilst overseas.
25. For the purposes of clarity, transparency and consistency we need to specify the maximum proportion of the programme of study that students can undertake outside the country awarding the qualification.

Criterion five

26. Currently a qualification must not have been awarded following a course of study undertaken wholly or substantially by correspondence.
27. An issue arises with the criterion as currently stated because the term correspondence arguably has a very narrow interpretation. It potentially only prevents study by post and possibly email. It does not necessarily prevent us from accepting a qualification where the learning was undertaken entirely through web-based or other methods of distance learning.

28. Whilst recognising that technological developments allow for a range of effective learning and training techniques, and that a higher proportion of women, those with caring responsibilities or those with disabilities may choose to study by distance learning, we consider that it is important that a considerable portion of instruction is delivered through face-to-face learning and using facilities which allows students to engage with others including those delivering the training.

29. Again, for the purposes of clarity, transparency and consistency we need to specify the minimum proportion of the programme of study that students can have undertaken by distance learning.

Residual issues

30. There are two additional factors that we need to address in addition to clarifying how each of the agreed criteria will be interpreted and applied.

31. As we do not accredit overseas institutions the fact that a qualification was deemed acceptable at some point in the past cannot lead to it being acceptable in perpetuity. Instead we would expect that, at the point of determining the application, the qualification must satisfy the agreed criteria and the qualification must be currently acceptable to the GMC.

32. The Act makes it clear that it is for the General Council to decide which overseas qualifications will be acceptable. However, in relation to individual applications it is for the Registrar to decide whether the qualification meets the agreed criteria. For the avoidance of doubt we need to make it clear that the Registrar does not have discretion to accept a qualification which does not satisfy all of the criteria approved by the General Council.

Recommendation: To agree that, for the purposes of section 21B(2) of the Medical Act 1983 as amended, an acceptable overseas qualification will be defined in accordance with the following criteria.

a. It must be a primary medical qualification in allopathic medicine that has been:

- i. Awarded by an institution listed on the Avicenna Directory for Medicine, or
- ii. Is otherwise acceptable to the GMC, and
- iii. Is currently acceptable to the GMC.

b. Where a qualification is not listed on the Avicenna directory it will be otherwise acceptable to the GMC only where:

- i. The reason that it is not listed is either because the country, under whose auspices the qualification is issued, is not recognised by the United Nations or the qualification is a primary European Qualification, and, in either case,

- ii. The qualification satisfies all of the other criteria for an acceptable overseas qualification.
- c. Where relevant the institution listed in the Avicenna Directory must have a physical address within the country under whose auspices the qualification is issued.
- d. It must have been awarded after a programme of study comprising at least 5,500 hours over a minimum period of three years, or four academic years full time equivalent study. For this purpose a programme of study will:
 - i. Exclude study at an institution where the student was considered unsuitable to qualify as a doctor and has either been refused graduation or perhaps offered an alternative degree title.
 - ii. Exclude study at an institution which is not currently, or was not at the time of the student's studies there, acceptable to the GMC.
- e. It must not have involved a programme of study where more than 50% of that study (compared to the standard duration of the qualification) has been undertaken outside the country that awarded the qualification.
- f. It must not have involved following a programme of study where more than 25% of that study (compared to the standard duration of the qualification calculated using total hours of study) has been undertaken by distance learning. Distance learning will include learning by correspondence, using the internet or online learning methods, self directed learning and any training or learning which is undertaken other than on a face-to-face basis.
- g. Where the qualification held by an applicant fails to satisfy any one or more of the above criteria that application must be refused (on the grounds that the applicant does not hold an acceptable overseas qualification).

Resource implications

33. The recommendations set out in this paper will have a positive impact on internal efficiency, making the decision making process more streamlined and ultimately reducing the time taken to administer applications and appeals.

34. Work to implement the revised criteria will be undertaken within current resources.

Equality

35. The requirement to hold an acceptable overseas qualification applies specifically to international medical graduates. This requirement is enshrined in primary legislation. This paper seeks to develop and clarify the agreed criteria in order to improve transparency and consistency in applying the criteria.

36. An equality impact assessment has been developed and we will continue to monitor the impact of the criteria on relevant groups.