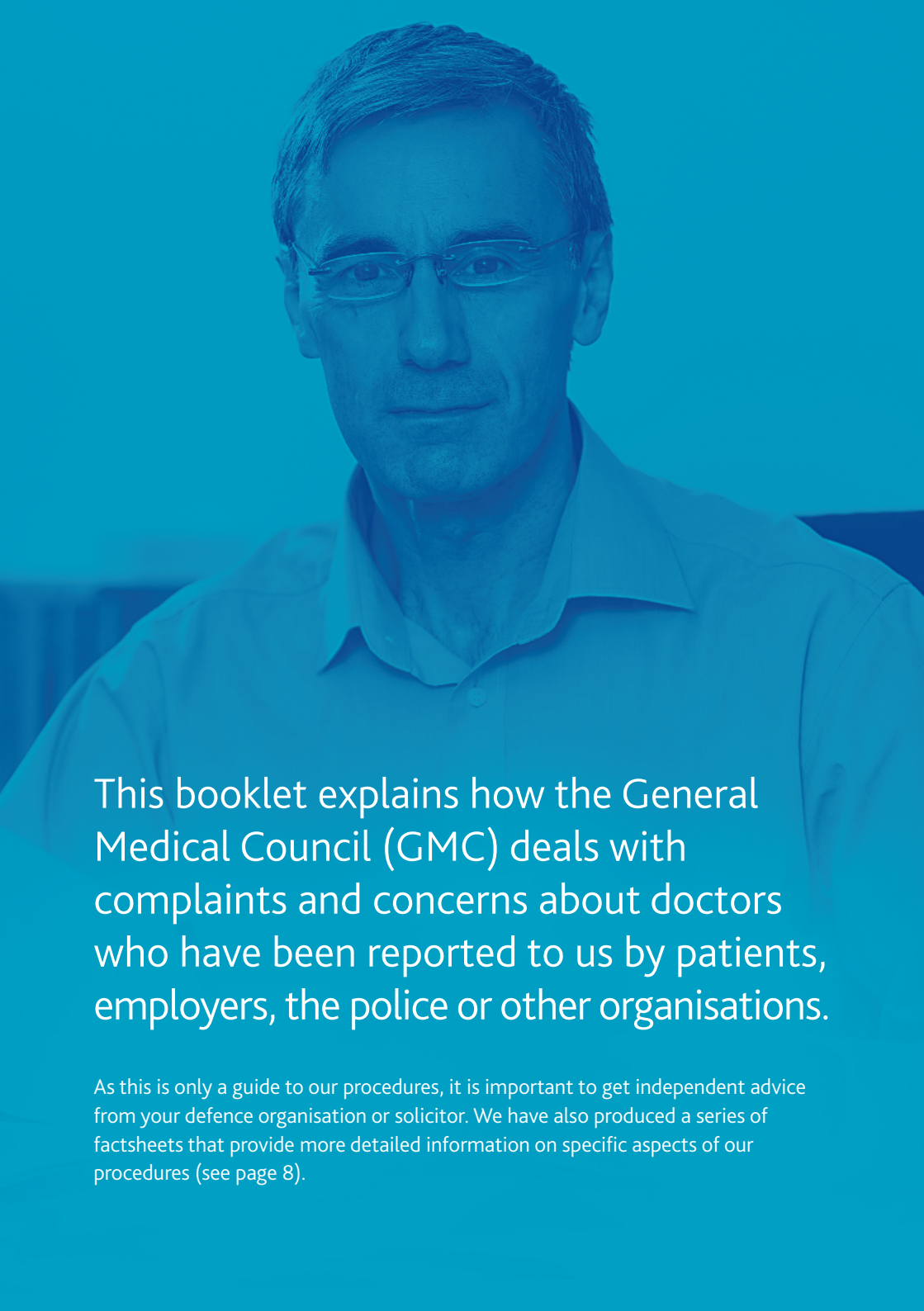


A guide for doctors reported to the GMC

General
Medical
Council

Regulating doctors
Ensuring good medical practice



This booklet explains how the General Medical Council (GMC) deals with complaints and concerns about doctors who have been reported to us by patients, employers, the police or other organisations.

As this is only a guide to our procedures, it is important to get independent advice from your defence organisation or solicitor. We have also produced a series of factsheets that provide more detailed information on specific aspects of our procedures (see page 8).

What is the GMC and what does it do?

The GMC is responsible for regulating doctors, and is governed by a council made up of both doctors and members of the public.

The law gives the GMC four main functions under the Medical Act 1983:

- keeping up-to-date registers of qualified doctors
- fostering good medical practice
- promoting high standards of medical education
- dealing firmly and fairly with doctors whose fitness to practise is in doubt.

Any doctor wanting to practise medicine in the UK must, by law, be both registered and hold a licence to practise. Our fitness to practise powers extend to all registered doctors, whether they hold a licence to practise or registration only.

When can the GMC take action?

We can take action if a doctor's fitness to practise is impaired. This may be for a number of reasons:

- misconduct
- poor performance
- a criminal conviction or caution in the UK or elsewhere for an offence that would be a criminal offence if committed in the UK
- physical or mental ill health
- a determination (decision) by a regulatory body either in the UK or overseas.

If a doctor's fitness to practise is found to be impaired, we can suspend or remove them from the medical register or place conditions on their registration.

We can also issue a warning to a doctor if their fitness to practise is not impaired but there has been a significant departure from the principles set out in our guidance, *Good Medical Practice*.

What happens when a doctor is reported to the GMC?

Our procedures are divided into two distinct stages:

- **Investigation:** we investigate the case to assess whether we need to refer it for adjudication.
- **Adjudication:** if we refer the case for adjudication, a Fitness to Practise Panel conducts a formal hearing.

Investigation

We review all matters reported to us to assess how the case should best be handled. In particular, this process enables us to identify:

- cases that appear to require us to investigate potentially serious concerns – known as Stream 1 cases
- cases in which consideration locally by the doctor's employer would be more appropriate, at least in the first instance – known as Stream 2 cases.

We do not normally investigate complaints about matters that took place more than five years previously, unless we consider that it is in the public interest to do so.

Stream 1 cases

Before we begin an investigation, we will inform you of the complaint and ask for details of your employer.

We will give you the opportunity to comment on the complaint at an early stage. You do not have to comment at this stage but if you do, it may help us to resolve the case more quickly. We will give you another opportunity to comment later if there is any likelihood of the case being referred for adjudication.

Our guidance, *Good Medical Practice*, makes it clear that you must co-operate fully with any formal inquiry into the treatment of a patient and with any complaints procedures that apply to your work. You should contact your defence organisation for advice.

We will ask your employer, normally the chief executive or medical director of the relevant body, if they have any other concerns about your fitness to practise. This is to ensure that we have a better picture of your fitness to practise and also allows us to feed into local clinical governance.

How we conduct our investigation will depend very much on the nature of the concerns raised with us. We will decide on the most effective forms of investigation in each case. For instance, the investigation may involve getting:

- further documentary evidence from, for example, your employer or the complainant
- witness statements
- expert reports on clinical matters
- an assessment of your performance
- an assessment of your health.

Interim Orders Panel

At any stage in the investigation we can refer you to the Interim Orders Panel who can suspend you or restrict you from practising while the investigation continues.

For more information on the Interim Orders Panel please see the factsheet *Investigating Concerns*, which can be downloaded from our website at www.gmc-uk.org/concerns

Stream 2 cases

If we consider that the allegations, even if proven, would not require us to take formal action, we will refer the matter to your employer or contracting body. They can then consider what action, if any, they should take. We will ask them to report the matter back to us if they identify any concerns that might require us to take action. As we do not keep records of doctors' employers we will write to you for their details.

The following guidance relates to those cases that the GMC investigates under Stream 1.

How long will the investigation take at the GMC?

This depends on the complexity and seriousness of the concerns. We will complete the investigation as quickly and efficiently as we can, and we will keep you informed of progress.

What will happen at the end of the investigation?

At the end of the investigation, the case will be considered by two senior GMC staff known as case examiners, one medical and one non-medical, who can:

- conclude the case with no further action
- issue a warning
- agree undertakings, or
- refer the case to a Fitness to Practise Panel for adjudication.

No case can be concluded or referred to a Fitness to Practise Panel without the agreement of both a medical and non-medical case examiner. If they fail to agree, the case is considered by the Investigation Committee, a statutory committee of the GMC.

If the case examiners or the Investigation Committee decide that your fitness to practise is not impaired, they can issue a warning.

The Investigation Committee will also consider a case when case examiners consider that a warning is appropriate, but the doctor has disputed the facts, or requested a hearing of the Investigation Committee. The hearing will take place in public.

In all cases we will inform both the doctor and the complainant of the case examiners' decision and their reasons.

Adjudication

Adjudication by a Fitness to Practise Panel forms the final stage in our procedures. A panel consists of specially trained people who will hear all the evidence and decide at the end of the hearing whether they need to take action regarding the doctor's registration.

If we refer a case to a Fitness to Practise Panel, we will write to you setting out the allegations. Again it is important that you seek advice from your defence organisation.

Fitness to Practise Panels are held in public, except when they are considering evidence about a doctor's health.

We aim to hold all Fitness to Practise Panel hearings within eight months of the decision to refer the case for adjudication.

What happens at the end of a Fitness to Practise Panel hearing?

At the end of a hearing, the Fitness to Practise Panel may decide that the doctor's fitness to practise is not impaired and will either take no action or issue a warning.

If they find that the doctor's fitness to practise is impaired they can do one of the following:

- place conditions on the doctor's registration so that they are only allowed to do medical work under supervision or so that they are restricted to certain areas of practice
- suspend the doctor's name from the medical register so that they cannot practise during the suspension period
- remove the doctor's name from the medical register so that they cannot work as a doctor in the UK for at least five years, and possibly for life.

Where a doctor's name is suspended or erased from the Register by a Fitness to Practise Panel, we will automatically withdraw a doctor's licence. Where a doctor's registration is subject to conditions or undertakings which restrict their practice they will still be entitled to hold a licence but must continue to comply with any conditions or undertakings on their registration.

In deciding on the appropriate outcome, the panel may take into account any written undertakings made by the doctor.

If the panel decides to impose conditions on the doctor's registration, they may also impose an order for immediate conditions.

If the panel decides that the doctor's registration should be suspended or that their name should be erased from the register, they may also impose an order for immediate suspension.

Warnings

A warning is appropriate if concerns indicate a significant departure from the principles set out in our guidance, *Good Medical Practice*, or if there is a significant cause for concern but a restriction on the doctor's registration is not necessary.

A warning can be issued by the case examiners or the Investigation Committee at the investigation stage or by a Fitness to Practise Panel at the adjudication stage. For five years after it is issued, we will disclose a warning to a doctor's employer and to anyone else who enquires. A warning cannot be issued if the concerns relate exclusively to a doctor's physical or mental health.

For more information on warnings please see the factsheet, which can be downloaded from our website at **www.gmc-uk.org/concerns**

Undertakings

Undertakings are an agreement between the GMC and a doctor about the doctor's future practice. Undertakings may include restrictions on a doctor's practice or a commitment to practise under medical supervision or to undergo retraining. They allow the GMC to deal effectively with certain types of case without having to refer the matter to a Fitness to Practise Panel.

Undertakings can be agreed with the doctors at the investigation stage. Undertakings might include restrictions on the doctor's practice or behaviour, or commitments to having medical supervision or retraining. For more information on undertakings please see the factsheet, which can be downloaded from our website at **www.gmc-uk.org/concerns**

Convictions and decisions by other regulatory bodies

Our rules allow us to deal quickly with doctors who have received a criminal conviction or caution, or who have been subject to a decision by a regulatory body either in the UK or overseas.

We treat convictions, cautions and decisions by other regulatory bodies as proof of an offence. In some cases, particularly when a doctor has received a custodial sentence, the case is referred directly to a Fitness to Practise Panel for adjudication. For less serious convictions, such as parking offences, we conclude the investigation at a very early stage and take no further action.

Appeals

A doctor has 28 days in which to appeal to the High Court or Court of Sessions against a decision by a Fitness to Practise Panel. The panel's decision will not take effect until either the appeal period expires or the appeal is complete. However, the panel can impose an immediate order for suspension or conditions if they believe they need to protect the public, or if it is in the best interests of the doctor.

Council for Healthcare Regulatory Excellence (CHRE)

If it considers that a decision made by a Fitness to Practise Panel is unduly lenient, the CHRE has the power to refer the decision to the High Court or Court of Sessions. The CHRE has 28 days to refer a decision following the doctor's 28-day appeal period.

Advice

If you are reported to the GMC you should contact your medical defence organisation straight away. The defence organisations know our procedures well. They are a good source of advice and can offer you legal support if you need it.

If you are not a member of a defence organisation, you could contact the British Medical Association or another professional organisation of which you are a member. They may not be able to provide legal representation but they are a good source of expert advice and support.

Alternatively, you can get your own legal advice, at your own expense. Legal Aid is not available to doctors being investigated under our procedures and you cannot claim costs from the other parties involved.

Other GMC publications

A guide for health professionals on how to report a doctor to the GMC

How to complain about a doctor

Factsheets at **www.gmc-uk.org/concerns**

The GMC's fitness to practise procedures

Warnings

Performance assessments

Health assessments

Undertakings

Investigating concerns

London

Regent's Place, 350 Euston Road, London NW1 3JN

Manchester

St James's Buildings, 79 Oxford Street, Manchester M1 6FQ

Scotland

5th Floor, The Tun, 4 Jackson's Entry, Holyrood Road, Edinburgh EH8 8PJ

Wales

Regus House, Falcon Drive, Cardiff Bay CF10 4RU

Northern Ireland

9th Floor, Bedford House, 16-22 Bedford Street, Belfast BT2 7FD

Telephone: 0161 923 6602

Email: gmc@gmc-uk.org

Website: www.gmc-uk.org

Outside the UK telephone: +44(0)161 923 6602

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