



A guide for doctors reported to the GMC

Working with doctors Working for patients

General
Medical
Council

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 12).

What is the GMC and what does it do?

Our role is to protect the public by making sure only those doctors with the right knowledge, skills and experience can practise medicine in the UK. We do this in several ways.

- By controlling entry to and maintaining the list of registered and licensed medical practitioners.
- By setting the standards for all stages of medical education and training and ensuring that those standards are met.
- By determining the principles and values that underpin good medical practice.
- By taking firm but fair action against doctors' registration where the standards of *Good medical practice* have not been met.

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
- lack of the necessary knowledge of the English language to be able to practise medicine safely in the UK.

If we believe that a doctor's fitness to practise may be impaired, we can:

- agree undertakings with the doctor
- place conditions on their registration
- suspend their registration
- remove them from the medical register.

If we believe 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*, we can issue a warning to the doctor.

What happens when a doctor is reported to the GMC?

We review all complaints carefully to see if there are issues that we need to investigate. In some instances, we may decide to carry out a provisional enquiry. A provisional enquiry is a limited, initial enquiry at the outset of the process which helps us to decide whether to open an investigation.

If we decide that we are not the right organisation to investigate the complaint, we may pass it to the doctor's responsible officer (who monitors their performance) and tell the doctor to pass it to the local complaints body. If we believe potentially serious concerns are being raised, we will investigate further ourselves.

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.

Legal 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.

Emotional support and advice

Having your fitness to practise investigated can be a very stressful experience. We have commissioned BMA Doctors for Doctors to provide dedicated, confidential emotional support to any doctor involved in a fitness to practise case who would like it. The service is free of charge. You can find out more at www.gmc-uk.org/doctorsupportservice or call the service now on 020 7383 6707.

Complaints we investigate immediately

Before we begin an investigation, we will inform you of the complaint that's been made about you and ask for details of your employer.

We will give you the opportunity to comment on the complaint. 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 to a hearing.

Our guidance, *Good medical practice*, makes it clear that you must cooperate 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. 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
- an assessment of your knowledge of the English language.

Interim orders tribunal

At any stage in the investigation, we can refer you to the Medical Practitioners Tribunal Service (MPTS) for an interim orders tribunal hearing. This tribunal can suspend you or restrict you from practising while the investigation continues if it decides this is necessary to protect the public. For more information on the MPTS interim orders tribunal, please see the factsheet *Investigating concerns*, which can be downloaded from the GMC's website at www.gmc-uk.org/concerns.

Complaints we pass to your responsible officer

If we consider that the complaint, even if proven, would not mean your fitness to practise is impaired, we will write to you letting you know about the complaint. We will then pass a copy of the complaint to your responsible officer. We will tell you to pass the complaint to the local complaints manager and to discuss it in your next appraisal. If, for any reason, you do not have a responsible officer when we receive the complaint, we will ask your employers if they have any other concerns that mean we may need to take action. The following guidance relates to those cases that we investigate immediately.

How long will the investigation take?

This depends on the complexity and seriousness of the concerns. We will complete the investigation as quickly and efficiently as we can, but it can take several months if we need to ask for information from other organisations or individuals. We will keep you, and your defence organisation if you have one, fully informed of progress.

What will happen at the end of the investigation?

At the end of the investigation, two senior GMC staff known as case examiners, one medical and one non-medical, will review all the evidence collected and decide whether to:

- conclude the case with no further action
- issue a warning
- agree undertakings to address a problem, or
- refer the case to the MPTS for a hearing.

The medical and non-medical case examiners must agree to close a case or refer it to the MPTS for a hearing. 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, but that you were in breach of our guidance, 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.

Except for cases concerning a doctor's health, we will inform both the doctor and the complainant of the case examiners' decision and their reasons. Where the case concerns a doctor's health, we will inform the doctor and the complainant of the case examiners' decision but their reasons will only be given to the doctor. This is because we treat information about a doctor's health as confidential.

MPTS hearings

The MPTS makes decisions about doctors' fitness to practise. It is part of the GMC, but operationally separate and accountable directly to Parliament.

Medical practitioners tribunals consist of specially trained people, both lay and medical, who will hear all the evidence and decide at the end of the hearing whether the doctor's fitness to practise is impaired and, if so, what sanction may be needed to protect the public.

If we refer a case to the MPTS for a hearing, we will write to you setting out the allegations. Again it is important that you seek advice from your defence organisation if you have one or from a solicitor.

Hearings are held in public, except when they are considering evidence about a doctor's health.

The MPTS aims, wherever possible, to ensure that cases are heard in line with the agreed service target. The hearings are held at the MPTS hearing centre in Manchester.

What happens at the end of a medical practitioners tribunal hearings?

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

If the tribunal finds 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.

Sanctions imposed by a tribunal normally come into effect 28 days after you receive a letter officially informing you of them, unless a doctor appeals against the decision. However, the tribunal can also impose an order for immediate conditions, suspension or erasure if they believe it is necessary.

Where the medical practitioners tribunal suspends or erases a doctor from the register, we will automatically withdraw a doctor's licence. Where the medical practitioners tribunal imposes conditions or agrees undertakings which restrict their practice, the doctor will still be entitled to hold a licence but must continue to comply with any conditions or undertakings.

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

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 case examiners, by the Investigation Committee or by a medical practitioners tribunal at a hearing. 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 us to deal effectively with certain types of case without having to refer the matter to a hearing.

Undertakings can be agreed with doctors at the end of an investigation.

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, we will refer the case directly to an MPTS hearing.

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 medical practitioners tribunal. The tribunal's decision will not take effect until either the appeal period expires or the appeal is complete. However, the tribunal 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.

Professional Standards Authority

If it considers that a decision made by a medical practitioners tribunal is unduly lenient, the Professional Standards Authority has the power to refer the decision to the High Court or Court of Sessions. The Professional Standards Authority has 28 days to refer a decision following the doctor's 28-day appeal period.

Other GMC publications

You can find the following publications on our website at **www.gmc-uk.org/publications**.

- *A guide for doctors reported to the GMC*
- *How to complain about a doctor*
- *Raising and acting on concerns about patient safety*

We also have a range of factsheets at **www.gmc-uk.org/concerns**.

- *The GMC's fitness to practise procedures*
- *Warnings*
- *Health assessments*
- *Undertakings*
- *Investigating concerns*

You can also find information about performance assessments on our website at **www.gmc-uk.org/performance_assessments**.

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