

RO testimonials - factsheet

Introduction

- 1 The Responsible Officer Regulations have introduced statutory responsibilities for responsible officers to manage concerns about doctors at local level, including ensuring effective systems of appraisal and clinical governance are in place.
- 2 The Regulations require ROs to:
 - a implement procedures to investigate concerns about doctors' fitness to practise raised by patients or staff of designated bodies or from any other source
 - b monitor compliance with GMC conditions or undertakings
 - c maintain records of doctor' fitness to practise evaluations, including appraisals and any other investigations or assessments
 - d where appropriate, refer concerns about a doctor to the GMC.

What is the purpose of an RO testimonial?

- 3 When a doctor is referred to the GMC because of concerns about their fitness to practise the investigation will look into the matters that gave rise to the concerns but the decision about whether the doctor's registration needs to be restricted or removed will be based on whether the doctor poses an ongoing risk to patients or confidence in the profession. Therefore, information from the RO, whose role is to oversee systems for local management of any concerns about that doctor, can provide useful testimonial evidence about the doctor's fitness to practise and how they have responded to the concerns raised about them.

When will I be asked to give a testimonial?

- 4 We will ask for a testimonial from the RO after the case examiners have made a decision to refer the doctor to a hearing at the MPTS. This needs to be received by the GMC eight weeks before the doctor's hearing.

- 5 Except in exceptional cases, we will do this in all cases where the doctor has a nominated RO.

What do I need to provide the GMC with?

- 6 An RO testimonial needs to cover:
 - a the extent to which the doctor has reflected on the matter before the tribunal
 - b the extent to which the doctor has shown insight
 - c how far any issues about the doctor's performance or behaviour have been addressed (remediation).

What if I don't have a direct working relationship with the doctor?

- 7 Where you don't have a direct working relationship with the doctor, you should make use of systems you have in place to gather information required to support your role. You can reference how you have gathered this information in your testimonial.

What happens at the hearing?

- 8 The MPTS receives evidence from the doctor in respect of remediation at stage two of a hearing. During stage two (the impairment stage) the tribunal considers whether the proven facts show that the doctor's fitness to practise is impaired. In relevant cases both the GMC representative, and the doctor or the representative acting on their behalf, can present additional evidence at stage two relating specifically to impairment. The RO testimonial will be introduced at this stage as evidence to inform the tribunal of the doctor's insight and remediation.
- 9 An RO may on occasion be asked to attend a hearing to answer questions about the content of a testimonial. Further information and can be found on our website [here](#) or can be discussed with the RO's employer liaison adviser.
- 10 The tribunal will use the content of a testimonial (where one has been provided), to help them decide whether the doctor is currently fit to practise and has reflected on and/or remediated the issues that gave rise to concerns about their fitness to practise.

What if I'm unable to provide testimonial evidence?

- 11 If an RO is unable to provide testimonial evidence then we may discuss with the RO the reason that a testimonial cannot be provided and the tribunal will be notified that we have requested one but it has not been received. The fact that we have requested a statement but have not received one will not be used by the GMC or the tribunal to

draw inferences about the doctor's current fitness to practise. If a statement has not been provided, stage two of the investigation will continue as normal and can include other submissions about a doctor's fitness to practise including other testimonial evidence and a reflective statement from the doctor.

Further questions

What if the doctor objects to the content of the testimonial?

- 12** If the doctor disagrees with the RO testimonial being presented to the tribunal they can object to its submission within the 28 days period between the disclosure of the bundle of evidence and the date of the hearing.

What if something changes with the case?

- 13** If an RO testimonial, or any further evidence we gather following referral to a hearing, results in the GMC reconsidering its case about the doctor's fitness to practise Rule 28 of the GMC (Fitness to Practise) Rules 2004 provides a power for a hearing to be cancelled.