

Investigation Committee procedure when it is convened to consider whether to issue a warning

Introduction

- 1 This factsheet provides guidance on the procedure which is followed when the Investigation Committee has been convened to consider whether to issue a warning to a doctor. This factsheet should be read in conjunction with the factsheet on *Warnings*.

Warnings

- 2 Where a doctor's fitness to practise is not impaired but there has been a significant departure from the principles set out in the GMC's guidance *Good Medical Practice*, a warning may be issued. This decision is taken by the case examiners at the end of the investigation stage of our procedures.
- 3 Where they consider that it may be appropriate to conclude a case with a warning and the doctor disputes the facts or is not willing to accept a warning and exercises his/her right to an oral hearing, the Investigation Committee is convened to consider the case.

Investigation Committee procedure

- 4 The Investigation Committee is part of the GMC's investigation function and is a statutory committee of the GMC. Its procedures are laid out in the *Fitness to Practise Rules 2004*. Ahead of the hearing the GMC will write to the doctor to give notice of the hearing and to confirm the arrangements. This will include the date, time and location of the hearing as well as the details of the allegation and the facts upon which it is based. If the doctor has previously agreed to accept service of documentation via email the notice of Hearing and bundle will be sent out to their agreed email address.
- 5 Investigation Committee hearings are held in public except where matters relating to the doctor's health or the health of other individuals involved with the case may lead the Committee to conclude that it should be held in private. The details of the hearing

will also be made publicly available in advance on the GMC's website and through a press release.

- 6** When the Investigation Committee is convened for an oral hearing, it is constituted with three members drawn from a pool of tribunal members. The tribunal members, who are not members of the Council, are appointed through open competition against agreed competencies. The Committee is formed of a Chair, medical tribunal members and a non-medical tribunal members.
- 7** A legal assessor will also be appointed to advise the Investigation Committee on points of law including the procedure and powers of the Committee.
- 8** The GMC will normally be represented at the hearing by a Barrister. The doctor is invited to attend and is usually present and legally represented. The Investigation Committee may decide to continue with the hearing even in the absence of the doctor or their legal representation.
- 9** The GMC will be invited to outline the allegations and may submit documentary evidence. The doctor may then respond to the allegation and may submit any supporting documentary evidence.
- 10** The Investigation Committee may ask both the GMC and the doctor questions should further information or clarification be required. Additionally, if the Investigation Committee consider it desirable to hear oral evidence, it may decide to allow either the GMC or the doctor to produce a witness, however this is unusual.
- 11** Prior to making a final decision, the Investigation Committee may adjourn for further investigation to be carried. This may include an assessment of the doctor's professional performance or health.
- 12** In making a final decision, the Investigation Committee may also consider any previous fitness to practise history either with the GMC or another regulatory body.
- 13** Following the hearing the Investigation Committee may:
 - Confirm that the warning should be issued
 - Conclude the case with no action
 - Refer the case forward to the Medical Practitioners Tribunal Service for a medical practitioners tribunal hearing (where new evidence arising during the hearing indicates that it would be appropriate to do so). Medical practitioners tribunal hearings are managed and supported by the Medical Practitioners Tribunal Service.

- 14** The GMC will write to the doctor enclosing a formal notice of decision to inform him/her of the outcome. If the Investigation Committee has issued a warning, this notification will include the details of the warning.

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