

# Investigating concerns

## Introduction

- 1 This fact sheet explains our procedures for investigating concerns about doctors. Our powers and our sanctions are linked to our responsibilities for maintaining the register of doctors able to practise medicine in the UK. Our fitness to practise powers focus on the most serious concerns that may call into a question a doctor's fitness to practise and suitability to retain unrestricted registration as a doctor.
- 2 We normally only investigate those concerns that could require us to take action to remove or restrict the doctor's right to practise. We review all new complaints to identify those that we need to investigate ourselves, because the issues are potentially serious. We refer to these as Stream 1 complaints.
- 3 If we do not consider that there are issues that we need to investigate ourselves, we may conclude the complaint or refer it to the doctor's employers, so that they can look into it locally. Local procedures are often better placed to provide the explanation, reassurance or apology that a patient may require. Employers are also in a better position to assess whether there are any wider problems that may need to be addressed.
- 4 maintain records of individual doctors' employers). This also ensures that the doctor has an early opportunity to comment on the complaint.
- 5 Once we have the doctor's employment details, we disclose the complaint to the doctor and to his/her employer/contracting body. This ensures that we have a complete overview of the doctor's practice. This exchange also makes our information available to those responsible for local clinical governance.
- 6 Our investigation will depend very much on the nature of the concerns raised with us. Our investigation staff will decide on the most effective forms of investigation for the case and put together an investigation plan. An investigation may include:
  - obtaining further documentary evidence from employers, the complainant or other parties
  - obtaining witness statements
  - obtaining expert reports on clinical matters, etc
  - an assessment of the doctor's performance
  - an assessment of the doctor's health.
- 7 Once we have concluded our enquiries, we will give the doctor a further opportunity to comment, before we decide what action to take.

## GMC investigation

- 4 If there are concerns that potentially raise questions about the doctor's fitness to practise, we will start our investigation. When we begin to investigate concerns, we normally need to obtain further information from the complainant or from the organisation that has referred the matter to us. We also need the consent of individual complainants to disclose the complaint to the doctor.
- 5 In each case that we investigate, we disclose the complaint to the doctor at an early stage and ask him/her to provide details of his or her employer/s or contracting body (we do not
- 6 At the end of our preliminary investigation, two senior GMC staff known as case examiners (one medical and one non-medical) will consider the case. They can:
  - conclude the case with no further action
  - issue a warning
  - refer the case to a Fitness to Practise (FTP) Panel
  - agree undertakings with the doctor<sup>1</sup>.

<sup>1</sup> We have a separate factsheet 'Undertakings'

- 10 No case can be concluded or referred to a FTP Panel without the agreement of both a medical and non-medical case examiner. If they do not agree, the matter will be considered by the Investigation Committee which has the same powers as the case examiners. The guidance used by case examiners to help them make their decisions is available on our website.
- 11 We will inform both the doctor and the complainant of the case examiners' decision and their reasons.

## Warnings

- 12 If the case examiners or the Investigation Committee decide that the doctor's fitness to practise is not impaired, they may issue a warning. A warning will be appropriate if the concerns indicate a significant departure from the standards set out in the GMC's guidance, *Good Medical Practice*, or if there is a significant cause for concern following an assessment of the doctor's performance.
- 13 The Investigation Committee will also meet to consider those cases where the case examiners decide to issue a warning, but where the doctor has disputed the facts, or requested that the matter be considered at a hearing of the Investigation Committee. The hearing will take place in public. A separate factsheet is available about warnings.

## Interim Orders Panel

- 14 At any stage of the investigation we may refer the doctor to the Interim Orders Panel (IOP). The IOP can suspend or restrict a doctor's practice while the investigation, continues if it is necessary for the protection of the public, or otherwise be in the public interest or in the interests of the doctor.