

Undertakings at FTP Panel hearings

1. Under Rules 17(2)(m) and 22(h) of the General Medical Council (Fitness to Practice (FTP) Rules Order of Council 2004, the FTP Panel may agree as an alternative to imposing any sanction any written undertakings (including any limitations on his practise) offered by the practitioner

a. which it considers to be sufficient to protect patients and protect the public interest, and

b. where the practitioner expressly agrees that the Registrar shall disclose details of any such undertakings (save those relating exclusively to the health of the practitioner) to -

(i) any person by whom the practitioner is employed to provide medical services or with whom he has an arrangement to do so;

(ii) any person from whom the practitioner is seeking such employment or such an arrangement; and

(iii) any enquirer.

2. In circumstances in which a panel makes a finding that the practitioner's fitness to practise is impaired, the *Indicative Sanctions Guidance* (April 2009) sets out at paragraph 64 the only circumstances where a panel should accept undertakings and take no action on a doctor's registration. These are in circumstances where:

a. All the requirements set out in rule 17(2)(m) or 22(h) are met, and

b. The panel is satisfied that the undertakings cover any conditions that it would otherwise impose, and

c. The panel is satisfied that the doctor has sufficient insight to abide by the written undertakings given before the panel.

3. If the panel is in any doubt, it will be expected to impose conditions. It should be noted that if a panel accepts undertakings, it will lose jurisdiction of the case i.e. it will not be able to consider matters at a review hearing.

Procedure before a FTP Panel

4. The procedure outlined in paragraphs 5 to 9 below relates to all cases which are heard by Fitness to Practise Panels.

5. When a FTP Panel has found a practitioner's practice to be impaired, or otherwise where the imposition of a sanction is to be considered, it is open to the doctor to propose undertakings that he or she invites the panel to accept. Where the practitioner proposes such undertakings, the Presenting Officer will inform the panel of its powers to accept undertakings, and remind it of the need for the undertakings to be in writing and for the doctor to agree their disclosure to any enquirer (save those relating exclusively to the doctor's health). The Presenting Officer will also refer the panel to the criteria set out in paragraph 2 above.

6. It is desirable for the parties to have discussed the proposed undertakings in advance so that the submissions of each party may be made with reference to them. If the undertakings have not been disclosed in advance to the Presenting Officer, but are instead introduced by the practitioner at the hearing without prior notice, the Presenting Officer should be invited to make further submissions on the proposed undertakings, having taken any necessary instructions. The panel should also identify when undertakings are being offered (for example, where the doctor gives an assurance that he/she does not intend to carry out a certain activity in future) or might otherwise be appropriate, and can invite undertakings to be made and agreed.

7. On all occasions, panels should also consider what, if any, time limit is appropriate for any undertaking accepted, considering what is proportionate and sufficient, bearing in mind the need to protect patients and to protect the public interest.

8. To assist panellists in deciding whether or not undertakings would be appropriate, a question and answer sheet is enclosed at Annex A. Panels will be expected to complete the form whenever undertakings are being considered.

9. The panel will inform the doctor that undertakings must be made in writing, signed and dated and that they will be monitored and reviewed by the GMC. The panel will also inform the doctor that the undertakings will be disclosed to any enquirer (save those relating exclusively to the doctor's health) and that they will be made available through the List of Registered Medical Practitioners. A template undertakings form is enclosed at Annex B, which the doctor will be expected to sign. This formal record of a doctor's commitment to abide by undertakings will provide for their effective disclosure, monitoring and review.

Post-hearing procedure

10. If a panel accepts written undertakings from a doctor, at the end of the hearing the GMC Adjudication section will send a copy of the written undertakings and the hearing minutes to the GMC Case Review Team (CRT), which will be responsible for monitoring compliance. The Adjudication section will add the undertakings to the doctor's registration record.

11. The CRT will monitor and review all undertakings e.g. by actively seeking reports from employers and medical supervisors, and consider any new information received in relation to them, including representations from the doctor or otherwise to suggest that the undertakings are no longer appropriate. The Registrar will consider any breaches of undertakings to determine what action is appropriate. (See separate guidance on [breaches of undertakings](#))

Undertakings at the Adjudication stage

FTP Panel questions

If undertakings are offered by the practitioner, before deciding whether to accept them or not, please answer the questions set out below.

Question	Answer
1. Is the doctor's fitness to practise impaired?	Yes / No
2. Have undertakings been offered or, if invited, been accepted?	Yes / No
3. Have the undertakings been made in writing?	Yes / No
4. Are the undertakings sufficient to protect patients and protect the public interest?	Yes / No
5. Is the panel satisfied that the undertakings cover any conditions that it would otherwise impose?	Yes/ No
6. Does the practitioner expressly agree that the Registrar shall disclose details of the undertakings (save those relating exclusively to the doctor's health) to:	
a) any person by whom the practitioner is employed to provide medical services or with whom he has an arrangement to do so;	Yes / No
(b) any person from whom the practitioner is seeking such employment or such an arrangement; and	Yes / No
(c) any enquirer.	Yes / No
7. Are the undertakings specific, measurable, attainable and realistic? Note: the panel should also consider whether any time limit is appropriate for any undertaking, considering what is proportionate, and sufficient, bearing in mind the need to protect patients and to protect the public interest.	Yes / No
8. Is the panel satisfied that the doctor has sufficient insight to abide by the written undertakings given before it and that there is no other reason to suggest that the doctor will not comply with them?	Yes/ No

If the answer to **all** the questions above is **YES**, the panel may decide that undertakings are sufficient, that is, as an alternative to imposing any sanction.

Template undertakings form

[CASE NAME]

[DATE OF HEARING]

I, [Name], General Medical Council reference number [xxxxxxx], hereby undertake the following:

[Public undertakings]

- 1.
- 2.
- 3.

[Confidential undertakings]

- 4.
- 5.

The above undertakings reflect the evidence I provided on oath to the Fitness to Practise Panel of the General Medical Council on [date].

I am aware that the General Medical Council will monitor my compliance with the above undertakings by [seeking regular reports from my employer/details of any other steps which seem appropriate].

I am aware that [the above undertakings] [undertakings number 1-3] will be disclosed to third parties should the General Medical Council receive enquiries about my registration status and be made available on the List of Registered Medical Practitioners.

Signed Dated.....