

Guidance on referral to an Interim Orders Panel.

1. Section 41A of the Medical Act 1983, as amended, provides for an Interim Orders Panel or a Fitness to Practise panel to make an order suspending a doctor's registration, or imposing conditions upon a doctor's registration for a period of up to 18 months. Any such orders must be reviewed by the panel within six months of the order being made, and thereafter every six months. An order may also be reviewed where new evidence relevant to the order becomes available. If the panel wishes to extend an order beyond the period initially set, it must direct the Registrar to apply to the High Court for permission to do so.

2. The panel may make such an order at any stage of any of the GMC's fitness to practise procedures. Cases may be referred to the Interim Orders Panel by the Registrar or by a case examiner.

3. An Interim Orders Panel may make an order when it determines that it is necessary for the protection of members of the public or is otherwise in the public interest or the interests of the doctor. As well as protection of the public, the public interest includes:

- a. Preserving public confidence in the profession.
- b. Maintaining good standards of conduct and performance.

4. The panel may make an order only if the respondent doctor has been given an opportunity to attend and to make representations on whether an order should be made. However, the panel may proceed in the absence of the doctor, if it is satisfied that the doctor has been served with notice of the proceedings. The procedure rules specify that a doctor must receive a reasonable period of notice before their case is considered by the Interim Orders Panel. In practice, we should aim to give doctors at least 7 days notice of the hearing, but in cases of exceptional urgency the period of notice may be shorter.

5. Cases should be referred to an Interim Orders Panel where the doctor faces allegations of such a nature that it may be necessary for the protection of members of the public, or otherwise be in the public interest or in the interests of the doctor, for the doctor's registration to be restricted whilst those allegation are investigated.

6. The panel may make an order suspending a doctor's registration or imposing conditions upon a doctor's registration for a maximum period of 18 months. The

panel must review the order within six months of the order being imposed and thereafter, at intervals of no more than six months. If the panel wishes to extend an order beyond the period initially set, it will direct the Registrar to apply to the High Court for permission to do so.

7. The following factors should be taken into account when considering whether to refer a case to an Interim Orders Panel:

a. The seriousness of risk to members of the public if the practitioner was to continue to hold unrestricted registration. In assessing this risk, the panel will consider the seriousness of the allegations, the weight of the evidence, including evidence about the likelihood of further offences occurring whilst the allegations are investigated.

b. Whether public confidence in the medical profession is likely to be seriously damaged if the practitioner were to continue to hold unrestricted registration whilst the allegations are resolved.

c. Whether it is in the doctor's interests to hold unrestricted registration. For example, the doctor may clearly lack insight and need to be protected from himself/herself.

8. The following factors may also be relevant

a. Whether the practitioner has complied with any undertaking given or conditions previously imposed in relation to this matter.

b. The practitioner's history with the GMC (if any).

9. The following examples are illustrative of cases which, depending on all the circumstances, may suggest that referral to an Interim Orders Panel is appropriate. The list is not exhaustive and there may be others where referral would be appropriate.

Risk to patients: clinical issues

10. This category concerns cases where, if the allegations are substantiated, there is an ongoing risk to patients from the doctor's clinical practice. Such cases will normally involve either a series of failures to provide a proper standard of care, or one particularly serious failure. Allegations indicating a serious lack of basic medical knowledge or skills, may well require referral to an Interim Orders Panel.

11. This category also includes cases of doctors who have appeared before a Fitness to Practise panel and had their registration either suspended or erased but without immediate suspension being imposed, but where we receive new information

which was not available at the time of the original determination that the doctor poses an immediate risk to patients.

Risk to patients: non-clinical issues

12. These are cases not directly related to clinical practice but where, if the allegations are substantiated, the doctor poses a risk to patients if allowed to continue in unrestricted practice.

13. This category includes cases where the doctor faces allegations of a nature so serious that it would not be in the public interest for the doctor to hold unrestricted registration whilst the allegations are resolved even though there may be no evidence of a direct risk to patients. The question would be whether public confidence in the profession may be seriously damaged by the doctor concerned holding unrestricted registration whilst the allegations are resolved.

14. Matters of this kind, which would normally already be under investigation by the police, would include very serious alleged offences including murder, attempted murder, rape, attempted rape and sexual abuse of children. Police investigations into other matters including allegations of indecent assault and manslaughter may also suggest that a referral to an Interim Orders Panel is appropriate, depending on the individual circumstances of the case.

15. The point at which doctors who are the subject of criminal investigations should be referred to an Interim Orders Panel is flexible and will depend on all the circumstances of the case.

Cases involving a breach of conditional registration or of undertakings to limit practice

16. These are cases where the doctor has breached restrictions imposed on his or her registration or has broken undertakings to the GMC to limit his or her practice. Examples would include:

- a. The doctor breaches conditions imposed by the Fitness to Practise panel or the IOP.
- b. The doctor breaches agreed undertakings.
- c. The doctor refuses to co-operate with a performance or health assessment, or prevaricates or falls ill temporarily so that completion of the assessment or medical examination is delayed.

17. The Interim Orders Panel has a duty to act to protect members of the public and the wider public interest. It is therefore important that cases are referred as soon as information becomes available suggesting that the doctor's registration needs to be restricted on an interim basis. It will not always be possible to gather all the evidence that might potentially be available before referring the matter to a panel.

18. The Interim Orders Panel will make no finding of fact but the complaint must be credible and backed up where possible by corroborative evidence although the lack of corroborative evidence should not be a bar in itself to a referral to an Interim Orders Panel. The complainant may not be in a position to provide such evidence at this early stage.