

*To consider*

## **Regulations to introduce a time limit on provisional registration**

### **Issue**

- 1** We consulted from April to June 2014 on regulations to implement a time limit on the period for which a doctor may hold provisional registration (the draft Provisional Registration (Time Limits) Regulations).
- 2** Feedback received during the consultation period has suggested one area in which it would be desirable to change our approach, namely, to ensure that doctors training less than full time will not be disadvantaged. We have amended the regulations so that these doctors will be able to request a 'period of disregard' (where strict criteria are met) and this period will not count towards their remaining provisional registration. We have therefore further amended the draft Regulations.
- 3** The Strategy and Policy Board has endorsed the approach during the project. At its meeting on 3 December 2014 it reviewed the consultation report and an external audit of the consultation, and noted the proposed amendments to the draft Regulations.

### **Recommendations**

- 4** Council is asked to:
  - a** Make the Provisional Registration (Time Limits) Regulations 2015 at Annex A.
  - b** Authorise the Chair of Council, and the Chief Executive, to apply the Corporate Seal to the Regulations.

# Regulations to introduce a time limit on provisional registration

## Issue

- 5 Provisional Registration (PR) is granted solely for the purpose of participating in the first year of the Foundation Programme (F1). This period of training enables newly qualified UK medical school graduates (and some EEA nationals and international medical graduates) to develop their clinical and professional skills under supervision in the workplace and then move on to full registration which allows them to practise in the UK.
- 6 Most doctors successfully complete F1 and proceed to full registration (FR) within 12 months of gaining PR (or less than full time equivalent). However there are a minority who remain provisionally registered for much longer.
- 7 At present doctors can maintain their PR indefinitely as long as they continue to pay their annual retention fee and their fitness to practise remains unimpaired, even if they are no longer in the Foundation Programme.
- 8 These doctors fall into three broad groups: those who have had to withdraw from F1 as a result of ill health, maternity leave or other circumstances and intend to return to training in due course; those who retain PR without intending to continue with a medical career; and those who despite repeated attempts are unable to demonstrate the required competencies.
- 9 We are also aware of a small number of PR doctors who have sought to take up employment in roles that are outside the scope of their registration.

## *Policy development and governance*

- 10 In 2006, the Medical Act 1983 was amended to give us the power to make regulations to set a maximum period for PR\* .
- 11 In September 2011, after a period during which we were developing revalidation policy and considering its likely impact, the former Postgraduate Board agreed in principle to introduce a time limit on PR.
- 12 In September 2013 the Strategy and Policy Board endorsed the draft Provisional Registration (Time Limits) Regulations 2013 as the basis for public consultation.
- 13 From 23 April 2014 to 18 June 2014 we consulted on draft Regulations which:

\* Section 31(4A) Medical Act 1983

- c** Prescribe a limit of three years and 30 days, following which a doctor's provisional registration will lapse. This allows the doctor the opportunity to undertake three full time attempts at the F1 cycle which currently starts on a set date each year, and provides for an additional 'induction' period of 30 days prior to commencement of F1 (as endorsed by the UK Foundation Programme Office).
- d** Enable a doctor to ask for a single 12 month extension to the maximum period of three years and 30 days. This is intended to accommodate those doctors who would not otherwise be able to complete F1 within the period allowed. This may be because they are undertaking F1 on a less than full time basis due to their personal circumstances (e.g. health, maternity or childcare responsibilities). A request for an extension must be supported by a declaration from the organisation responsible for delivering their F1 programme (which will usually be their postgraduate deanery or local education and training board) confirming that the doctor has permission to participate in an F1 training programme and would not be able to complete this without an extension.
- e** Provide that if a PR doctor is involved in fitness to practise proceedings, their provisional registration will not lapse until the proceedings have concluded. This means that PR doctors will not be able to avoid fitness to practise proceedings, even if their registration is due to lapse because they are close to the maximum period of provisional registration.

### *Consultation outcome*

- 14** The consultation sought views on the main effects of the draft Regulations and how they would be applied.
- 15** We sent an email with a direct link to the consultation to 628 provisionally registered doctors who had held PR for more than 12 months. We also sent a similar email (with a link to the consultation) to 134 relevant organisations, including medical education and training providers, medical employers, organisations representing doctors and medical defence organisations.
- 16** We received 91 responses. 72 were from individual respondents and 19 were from organisations. The consultation report was considered and agreed by the Strategy and Policy Board and can be made available to Council on request.
- 17** We commissioned an external audit of our consultation. The report noted very high levels of completeness and accuracy in the GMC's analysis of the responses. The audit report was also considered and agreed by the Strategy and Policy Board and can be made available to Council on request.
- 18** In general, stakeholder organisations were in favour of our proposed Regulations. However, individual respondents were less supportive. Many respondents were opposed to the principle of a time limit on provisional registration at all. This

influenced their responses to the questions about the implementation of the time limit. We were clear that the consultation sought views on how the Regulations would be applied and that the principle of imposing an absolute time limit was provided for in statute having previously been consulted upon, and did not form part of the scope of this consultation.

- 19** Additionally many respondents held the view that doctors should be able to start their Foundation Programme training at any point and take as long as they need to complete it. We feel that the provisions we have made in the Regulations address these concerns (subject to one amendment, see paragraph 21 below). If they wish to take a career break, doctors will be able to voluntarily erase their registration, meaning that the period of time that they are not registered will not count towards their period of provisional registration. The voluntary erasure and restoration process will be free of charge for this group of doctors and, for those who are not subject to investigations into their fitness to practise, it is a straightforward administrative process.
- 20** Further, we had also included a regulation which would allow doctors to apply for a single 12 month extension to the allowed period of provisional registration if they required extra time to complete the training. However, in order to address the comments about the length of time that doctors may require to complete their training, we have reconsidered the proposal that doctors should only be permitted to apply for a single extension. The existing proposal would disadvantage certain doctors (particularly those working less than full time, or those with a health condition) as they may not be able to complete the Foundation Programme within the time period allowed even with an extension of 12 months. Also, this cohort of doctors would be at a disadvantage compared to a doctor undertaking F1 on a full time basis. This is because, even with a 12 month extension, a less than full time doctor may not have the opportunity to undertake three attempts at the F1 cycle.

#### *Amendment to the draft Regulations*

- 21** We are therefore proposing to amend the Regulations to allow a doctor the time they need to complete the F1 programme. Following discussions with the Department of Health, we have amended the Regulations to allow doctors to request a 'period of disregard'. This means that where applicants need extra time to complete the programme, (and providing they meet strict criteria) this time will not count towards the maximum period of provisional registration. Applicants requesting a 'period of disregard' will need to meet strict criteria. A request must be supported by a declaration (confirming that the doctor has permission to participate in an F1 training programme and would not be able to complete this without a 'period of disregard') from the organisation responsible for delivering its F1 programme which will usually be a postgraduate deanery or local education and training Board (LETB). Each period is limited to a maximum of one year, however an applicant can make more than one request for a 'period of disregard' if they continue to meet the criteria.

- 22** This will provide a more flexible approach for doctors who are participating in an F1 programme but may require additional time to meet the required competencies.

### *Next steps*

- 23** Once Council has decided to make the Regulations, the Chair and Chief Executive will apply the Corporate Seal to the Regulations. They will then be submitted to Privy Council for approval and then laid before Parliament. The proposed implementation date (on which the Regulations will take effect) will be 1 April 2015.

### Transitional arrangements

- 24** The time limit will affect two main groups: medical students who will graduate and apply for PR after the implementation of the new policy, and doctors currently holding PR.
- 25** In the period between December 2014 and April 2015, we will write to affected doctors, and organisations who work with provisionally registered doctors, to let them know when the changes will be made, and about how these will affect doctors holding provisional registration on the date these come into force (namely, that they will be permitted a further period of provisional registration of three years and 30 days from that date).
- 26** We have been advising medical students about the time limit and when it will be implemented at the ID check event that they are required to attend. We will write to each doctor when they first apply for PR to tell them that their PR will be limited to three years plus 30 days and that the time limit will start to run from the date on which they are first granted provisional registration.
- 27** Within the second group, there are currently 7993\* doctors who have held PR for less than three years, this figure includes 7555 **Error! Bookmark not defined.** doctors who have held PR for less than 1 year. The majority of this group will be doctors who have recently been granted PR in order to start F1 and are likely to complete the programme within the usual 12 months. There are also 182 **Error! Bookmark not defined.** doctors who have held PR for three or more years.
- 28** Three months before the implementation date we will write to doctors holding PR at that point to let them know that from the date we introduce the changes they will be provided with a further three years and 30 days of PR in order to complete F1.

\* Statistics correct as of 5 November 2014

- 29** We will write to them at regular intervals after that to let them know how much of their period of provisional registration is remaining. We will advise them that on expiry of the additional three years plus 30 day period their names will be erased from the register. They will not be entitled to any further periods of PR.
- 30** Prior to implementation, we will also update our online information as well as providing guidance for affected and potentially affected doctors and for organisations working with provisionally registered doctors.

## Supporting information

### How this issue relates to the corporate strategy and business plan

- 31** Strategic Aim 1: to continue to register only those doctors that are properly qualified and fit to practise and to increase the utility of the medical register.

### How the issues support the principles of better regulation

- 32** The amended Regulations, which enable doctors to request a 'period of disregard', demonstrate a fair and proportionate approach to regulation (removing the possibility for doctors to hold provisional registration indefinitely, whilst allowing those who are participating in an F1 programme the time they need, in light of their individual circumstances, to complete this).

### What engagement approach has been used to inform the work (and what further communication and engagement is needed)

- 33** In 2012 we carried out an engagement exercise to gather views on the principle of introducing a time limit. We sent a survey to potentially affected doctors and met with stakeholder organisations such as the UK Foundation Programme Office, the Medical Schools Council, and the British Medical Association's Junior Doctors Committee. In the spring of 2014, we undertook an eight week public consultation on regulations to introduce a time limit. The consultation report is available on request.

### What equality and diversity considerations relate to this issue

- 34** We have undertaken an Equality Analysis. This indicated that our proposals have the potential to impact disproportionately on certain groups of doctors, such as those who have had periods of illness, or those who have taken time out of their medical career to care for dependents. The proposals may therefore affect doctors who have protected characteristics (pregnancy and maternity and disability).
- 35** Taking into account feedback from the consultation, we have proposed amendments to the Regulations to ensure that those doctors who may have protected characteristics (particularly disability and pregnancy and maternity) are able to take the time they need to complete the F1 programme.

**If you have any questions about this paper please contact: Juliet Oliver, Assistant Director of Policy and Regulatory Development, [joliver@gmc-uk.org](mailto:joliver@gmc-uk.org), 020 7189 5499.**

## Regulations to introduce a time limit on provisional registration

**2014 No.1234**

**HEALTH CARE AND ASSOCIATED PROFESSIONS**

**DOCTORS**

**The General Medical Council (Maximum Period of Provisional  
Registration) Regulations Order of Council 2014**

*Made* - - - - 2014

*Laid before Parliament* 2014

*Coming into force* - - 2014

At the Council Chamber, Whitehall the \*\*\*\*\*day of \*\*\*\* 2014

By the Lords of Her Majesty's Most Honourable Privy Council

The General Medical Council has made the General Medical Council (Maximum Period of Provisional Registration) Regulations 2014 which are set out in the Schedule to this Order, in exercise of the powers conferred by section 31(1) and 31(4A) of the Medical Act 1983(a).

By virtue of section 31(10) of that Act, these Regulations are not to have effect until approved by order of the Privy Council.

**Citation and commencement**

1. This Order may be cited as the General Medical Council (Maximum Period of Provisional Registration) Regulations Order of Council 2014 and comes into force on 1 April 2015.

**Privy Council approval**

2. Their Lordships, having taken these Regulations into consideration, are pleased to and do approve them.

*Richard Tilbrook*  
Clerk of the Privy Council

## SCHEDULE

### The General Medical Council (Maximum Period of Provisional Registration) Regulations 2014

The General Medical Council, in exercise of their powers under sections 31(1) and 31(4A) of the Medical Act 1983 make the following Regulations:

#### Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the General Medical Council (Maximum Period of Provisional Registration) Regulations 2014 and come into force on 1 April 2015.

(2) In these Regulations—

“the Act” means the Medical Act 1983;

“the Fitness to Practise Rules” means the General Medical Council (Fitness to Practise) Rules 2004(a);

“provisional registration” means registration under section 15, 15A, 21 or 21C(b).

(3) In these Regulations, references to numbered Parts, sections and subsections are references to so numbered Parts, sections and subsections of the Act.

#### Maximum period of provisional registration

2.—(1) The maximum period for which a person can be provisionally registered is 1,125 days.

(2) That period begins on—

(a) the date registration is granted, in the case of a person granted provisional registration on or after the date these Regulations come into force;

(b) the date on which these Regulations come into force, in the case of a person who is already provisionally registered at that date.

#### Periods of disregard

3.—(1) In calculating the maximum period in respect of a person, no account is to be taken of the following periods (“periods of disregard”)—

(a) any period during which, having been removed from the register under any provision of the Act, that person’s name does not appear in the register;

(b) any period during which that person’s registration in the register is suspended under Part V(c)

(c) any period following receipt by the registrar of a notification referred to in paragraph (3) during which that person, being a person whose period of provisional registration has commenced, is unable to complete an acceptable programme they are participating in pursuant to section 10A(d).

(2) A person may have more than one period of disregard pursuant to sub-paragraph (c) of paragraph (1), but each such individual period—

(a) lasts only for so long as that person continues to participate in the acceptable programme in question, and

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(a) Scheduled to S.I. 2004/2608.

(b) Section 15 was substituted by articles 2 and 26 of S.I. 2006/1914; section 15A was inserted by regulation 2 of S.I. 2000/3014 and last amended by regulation 9 of S.I. 2007/3101; section 21 was last amended by regulation 15 of S.I. 2007/3101 and section 21C was inserted by articles 2 and 35 of S.I. 2006/1914 and last amended by regulation 17 of S.I. 2007/3101.

(c) Part V was substituted by articles 2 and 13 of S.I. 2002/3135.

(d) Section 10A was inserted by articles 2 and 24 of S.I. 2008/3131.

- (b) cannot exceed 365 days from the date of receipt of the notification.
- (3) A notification referred to in sub-paragraph (c) of paragraph (1) must—
  - (a) be in writing and given by the person referred to in that sub-paragraph stating that they are unable to complete the programme referred to in that sub-paragraph during the maximum period or, as the case may be, during any period of disregard pursuant to that sub-paragraph, and
  - (b) be accompanied by a declaration, signed by a person responsible for the programme in question, confirming that the person is participating in an acceptable programme and will be unable to complete it within the maximum period or, as the case may be, within any period of disregard pursuant to that sub-paragraph.
- (4) A notification cannot be given earlier than—
  - (a) 180 days before the end of the maximum period, or
  - (b) in the case of a second or subsequent period of disregard pursuant to sub-paragraph (c) of paragraph (1), 180 days before the end of the preceding period of disregard pursuant to that sub-paragraph.

### **Lapse of registration**

- 4.—**(1) A person’s provisional registration lapses upon expiry of the maximum period.
- (2) Where a person is subject to fitness to practise proceedings under Part V, that person’s provisional registration will not lapse until the proceedings have been disposed of on the occurrence of—
- (a) a decision not to refer the allegation to a medical and a lay Case Examiner or, for any other reason, not to proceed beyond rule 4 of the Fitness to Practise Rules(**a**);
  - (b) a decision not to refer the allegation to the Investigation Committee or a Fitness to Practise Panel under rule 8 of the Fitness to Practise Rules(**b**), or to cancel any such referral under rule 28(3)(b) of those Rules(**c**);
  - (c) a decision to issue a warning in accordance with rule 11(2), (4) or (6) of the Fitness to Practise Rules;
  - (d) a decision to cease consideration of the allegation upon receipt of undertakings;
  - (e) a final determination by a Fitness to Practise Panel under rule 17 of the Fitness to Practise Rules(**d**) or, where the next hearing in the proceedings following the end of the prescribed period is held under rule 22(**e**), under that rule.
- (3) A person whose provisional registration has lapsed cannot apply for a further period of provisional registration.

Given under the official seal of the General Medical Council this 10th day of December 2014.



*Peter Rubin*  
Chair

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- (a) Rule 4 was amended by rule 3 of the Rules in the Schedule to S.I. 2009/1913.
  - (b) Rule 8 was last amended rule 4 of the Rules in the Schedule to S.I. 2009/3168.
  - (c) Rule 28 was substituted by rule 12 of the Rules in the Schedule to S.I. 2009/1913 and last amended by rule 2 of the Rules in the Schedule to S.I. 2013/815.
  - (d) Rule 17 was last amended by rule 6 of the Rules in the Schedule to S.I. 2013/815.
  - (e) Rule 22 was last amended by rules 1 and 15 of the Rules in the Schedule to S.I. 2009/1913.

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

The Schedule to this Order contains the General Medical Council (Maximum Period of Provisional Registration) Regulations 2014.

Regulation 2 sets out the maximum period for which a person may be provisionally registered in the register of medical practitioners. That maximum is set at 1,125 days.

Regulation 3 provides that in determining the maximum period, certain periods are to be ignored (periods of disregard), namely, periods during which the person's name has been removed from the register; during which the person's registration is suspended and periods during which the person is unable to complete an approved course the person is participating in. That regulation also provides for certain notifications to be given to the registrar in respect of periods of disregard.

Regulation 4 deals with lapse of provisional registration. It provides (a) that provisional registration lapses at the end of the 1,125 day period (b) that provisional registration does not lapse until the disposal of any fitness to practise proceedings the person is subject to and (c) that a person whose provisional registration has lapsed, cannot apply for a further period of such registration.