

To consider

Amendments to the Governance Handbook: Section 14 of the Medical Act 1983 (as amended)

Issue

- 1** We propose to amend the current Schedule of authority ('the Schedule') in the GMC Governance Handbook to reflect the delegation of the exercise of powers under section 14 of the Medical Act 1983 ('the Act') to the Registrar.

Recommendation

- 2** Council is asked to approve the proposed delegation of powers under Section 14 of the Medical Act 1983 (as amended) to the Registrar.

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Issue

The 2012 Governance review

- 3 On 23 April 2013, Council agreed amendments to our Governance Handbook to reflect the revised governance model as agreed by Council at its meeting on 7 February 2013.
- 4 Within the Handbook, changes were made to the Schedule of Authority. This sets out the principal functions and powers of the GMC including those that have been assigned to Council and those that have been delegated (and if so, to whom).
- 5 The Schedule was revised to incorporate, amongst other things, amendments to the governance model. Suggested revisions were considered, based on whether they ensured that the Schedule appropriately reflected the new arrangements when they came into effect.
- 6 An amendment to the Schedule was identified during the 2012 governance review in respect of the exercise of powers under Section 14 of the Act, which deals with the consideration of alternative evidence that may be submitted in support of applications for full registration. It was proposed that the Schedule should be amended to reflect the delegation of the exercise of powers under Section 14 to the Registrar.
- 7 This amendment was not included in the revised Schedule as it was agreed that delegation should be postponed until after the new governance arrangements had taken effect.

Applications under Section 3 of the Act

- 8 Under Section 3 of the Medical Act 'Registration by virtue of primary United Kingdom or primary European qualifications', holders of a UK Primary Medical Qualification (PMQ) are only currently eligible to apply for full registration if they can demonstrate that they have successfully completed the first year of the UK Foundation Programme (F1) in the form of an appropriately completed Certificate of Experience (COE). However, historically we have used Section 14 of the Act, which deals with 'alternative requirements as to experience in certain cases', to allow us to consider alternative evidence to completion of the F1 programme in applications under Section 3. Such applications are extremely rare.
- 9 However, in recent months, we have received several applications from UK medical graduates where it appears it may be appropriate to consider such evidence. These doctors left the UK after being awarded valid UK primary

medical qualifications (PMQs) without intending to return, choosing to undertake further training and clinical practice overseas rather than completing F1. They did not obtain the prior approval of their medical school for their overseas training and so they cannot now satisfy the requirements for full registration set out in Section 3.

- 10** This particular group have obtained offers of UK training fellowships that are due to commence in early summer 2014. As they cannot obtain full registration their training posts are in jeopardy. This places them at a distinct disadvantage to other holders of valid UK PMQs (and equally to equivalent doctors who qualified outside the UK) as there is currently no route to full registration for these doctors.
- 11** Recent legal advice has confirmed that the provisions of Section 14 allow Council to accept evidence of alternative experience to the completion of F1 on a case by case basis for UK graduates applying for full registration under Section 3. However, it is our view that there would need to be exceptional and compelling reasons as to why an application including evidence of alternative experience would be approved.

Delegating the exercise of powers under Section 14

- 12** We would like to be able to assess and process these applications in a sufficiently timely manner to enable the doctors involved to complete their visa applications and take up their fellowships. In these circumstances, asking Council to review the evidence submitted in relation to each individual applicant would not be sensible, but Council would need to agree the delegation of the exercise of powers under Section 14 to the Registrar to enable us to review the evidence submitted. We need to do this relatively urgently so that we can deal with the current applications quickly.
- 13** Under the previous three-board model of governance, the exercise of powers under Section 14 was delegated to Board level. As a result of the movement to our current governance this model, the exercise of these powers are assigned to and retained by Council. Following consideration of the proposals by circulation on email between meetings, the Strategy and Policy Board considered this proposal and agreed to recommend to Council that the powers exercised under Section 14 should be delegated to the Registrar.
- 14** Council is asked to agree our proposed amendments to the Schedule of Authority at Annex A, to reflect the delegation of the exercise of powers under Section 14, in its entirety, from Council to the Registrar.

Supporting information

How this issue relates to the corporate strategy and business plan

- 15** This paper supports Strategic aim five of the 2014 Business Plan and 2014-17 Corporate Strategy, which states that we will work better together to improve our overall effectiveness, our responsiveness and the delivery of our regulatory functions.

If you have any questions about this paper please contact: Una Lane, Director of Registration and Revalidation, ulane@gmc-uk.org, 0207 189 5164.

Annex A

Amendment to the Schedule of Authority related to Section 14 of the Act

- 1** This Annex details the change that we propose to make to the Schedule of Authority within our Governance Handbook, in respect of Section 14 of the Medical Act ('the Act'). Council is asked to approve this amendment to record that Section 14 is delegated from Council to the Registrar.
- 2** The table below shows the proposed amendment that we ask Council to approve. This will appear in the Schedule of Authority at Chapter 9 our Governance Handbook under our Education functions.

Governance Handbook

Chapter 9

Schedule of Authority

Function	Description of Function	Function assigned to?	Function delegated to?
EDUCATION FUNCTIONS			
To promote high standards of medical education	To direct that alternative educational experience is sufficient in certain cases as an equivalent to an acceptable programme for provisionally registered RMPs medical practitioners.	Council – s14	Not applicable. Registrar.