

Undertakings

Introduction

- 1** We are responsible for registering doctors to practise in the UK. Our purpose is to protect the public. We do this by promoting and maintaining:
 - the health, and safety and well-being of the public,
 - public confidence in the profession; and,
 - proper standards and conduct for doctors
- 2** Our fitness to practise procedures focus on whether a doctor's fitness to practise is impaired to such an extent that we need to take action on their registration. This means that we are looking to see whether the issues are so serious that the doctor's registration should be restricted or removed – in effect, whether the doctor should be prevented from working, or allowed to work only under certain restrictions or requirements.
- 3** Any doctor wanting to practise medicine in the UK must, by law, be both registered and hold a licence to practise. Our fitness to practise powers extend to all registered doctors, whether or not they hold a licence to practise. Our fitness to practise sanctions attach to a doctor's registration. Where a doctor's name is suspended or erased from the register by a medical practitioners tribunal, we will automatically withdraw a doctor's licence. Where a doctor's registration is subject to conditions or undertakings which restrict their practice they will still be entitled to hold a licence but must continue to comply with any conditions or undertakings on their registration. If they do not, their registration and licence may be at risk.

Agreeing undertakings with a doctor

- 4** Undertakings are an agreement between the GMC and a doctor about the doctor's future practice. Undertakings may include restrictions on a doctor's practice or a commitment to practise under medical supervision or to undergo retraining. They allow us to deal effectively with certain types of case without having to refer the matter to the Medical Practitioners Tribunal Service (MPTS) for a medical practitioners tribunal hearing.

- 5** Undertakings may be appropriate in cases involving doctors who are registered both with and without a licence to practise.
- 6** At the end of our investigation of concerns about a doctor, the case will be considered by two of our staff members, known as case examiners (one medical and one non-medical). They can:
 - conclude the case with no further action
 - issue a warning
 - refer the case to an the Medical Practitioner Tribunal Service for a medical practitioners tribunal hearing
 - agree undertakings.
- 7** Undertakings will only be appropriate if the case examiners are satisfied that they are sufficient to protect patients and the public and are an effective way of addressing the concerns about the doctor. Case examiners have detailed guidance on the types of cases in which undertakings are likely to be appropriate. They cannot agree undertakings if there is a realistic prospect that a medical practitioners tribunal might erase the doctor from the register if the case was referred forward for a full hearing.
- 8** A doctor who is subject to undertakings is still entitled to hold a licence to practise, however will need to comply with the terms of the undertakings.

The process

- 9** The case examiners will review all the evidence gathered and will make a decision on whether it would be appropriate to conclude the case by agreeing undertakings under Rule 10(2).
- 10** If the case examiners decide to invite the doctor to agree undertakings, we will write to the doctor inviting them to agree a set of undertakings. The undertakings will be designed to allow the doctor to continue to work whilst providing a framework of support and/or supervision.
- 11** The doctor will have 28 days to confirm their agreement to the undertakings offered.
- 12** We will inform the doctor's employers of any undertakings that have been agreed. Undertakings that relate solely to a doctor's health are confidential. All other

undertakings, such as restrictions on practice, will be published on the medical register and disclosed to any enquirer.

- 13** We review the undertakings agreed by the doctor regularly (apart from where the undertaking prohibits a doctor from carrying out a particular activity or procedure for the foreseeable future) and consider whether they should be varied or, where there are no longer concerns about the doctor's fitness to practise, whether they should be removed. Doctors with undertakings as a result of deficient performance will normally need to undergo a further performance assessment before the undertakings are removed.
- 14** If the doctor does not agree to the undertakings, or if the doctor subsequently fails to comply with the undertakings, the case will normally be referred to the MPTS for a hearing by a medical practitioners tribunal. Similarly, if a doctor's health or performance has deteriorated, or if further concerns as to their fitness to practise arise, the case will be referred to the MPTS for a medical practitioners tribunal hearing.

Publication and disclosure of undertakings

- 15** Undertakings that relate solely to a doctor's health are confidential. All other undertakings, such as restrictions on practice, will be published on our online medical register and disclosed to the doctor's employer and any enquirer. In cases which do not relate solely to health, a summary of the reasons why undertakings have been agreed will also be published.
- 16** Where we agree that a doctor can go back to unrestricted registration, undertakings will remain published for a further 10 years. The exception to this is in cases where the doctor's fitness to practise was impaired solely on the grounds of health and undertakings have been published because they relate to the doctor's practice. Those undertakings will be removed from the register as soon as the doctor returns to unrestricted practice.
- 17** We also publish any decision to agree undertakings and to vary undertakings on the decisions page of the GMC website for 12 months (<https://www.gmc-uk.org/concerns/hearings-and-decisions/gmc-decisions>), except in cases which relate solely to a doctor's health.

Further information

- 18** This leaflet is only intended as a guide to our procedures. Doctors who have been invited to agree undertakings should consider obtaining independent advice from their defence organisation or solicitors.
- 19** Our guidance for decision makers on agreeing undertakings at the investigation stage is available on our website.