

Warnings

Introduction

- 1 This factsheet provides guidance on our Investigation Committee and Medical Practitioners Tribunal Service (MPTS) procedures for issuing a warning to a doctor.
- 2 For an overview of the fitness to practise procedures see our booklets for patients, doctors and employers or the more detailed information on our website.
- 3 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
- 4 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 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 conditions.
- 5 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 they hold a licence to practise or registration only. Following the introduction of licensing, fitness to practise sanctions will continue to 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.
- 6 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. We can take action if the doctor's fitness to practise is impaired. This may be for a number of reasons:

- misconduct
 - deficient performance
 - a criminal conviction or caution in the British Isles (or elsewhere for an offence which would be a criminal offence if committed in England or Wales)
 - physical or mental ill-health
 - a determination (decision) by a regulatory body either in the British Isles or overseas.
- 7** We can also take action where the doctor's fitness to practise is not impaired but there has been a significant departure from the principles set out in the GMC's guidance Good medical practice, but a restriction on the doctor's registration is not necessary. A warning may be issued to the doctor in these circumstances. A warning will not be appropriate where the concerns relate exclusively to a doctor's physical or mental health.

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- 8** Our procedures allow us to issue a warning where we consider it appropriate to register concerns regarding a doctor's behaviour or performance, in order to uphold the standards of, and public confidence in, the medical profession.
- 9** A warning does not prevent a doctor from holding a licence to practise and does not place any restrictions on their registration.
- 10** A warning will be appropriate where the concerns indicate a significant departure from the principles set out in our guidance, Good medical practice, or if there is a significant cause for concern following assessment but a restriction on the doctor's registration is not necessary.
- 11** A warning will be published on the medical register for two years- one year on the doctor's details page and one year on their history page. A warning will also be disclosed to any enquirer for the same period. After 2 years, the warning will no longer be published on the medical register but it will be kept on record and disclosed to employers indefinitely on request.
- 12** At the end of our investigation into allegations against a doctor, the case will be considered by two of our senior staff, known as case examiners (one medical and one nonmedical). They can:
- conclude the case with no further action
 - issue a warning
 - refer the case to a medical practitioners tribunal of the MPTS

- agree undertakings on health and performance issues following a health or performance assessment.
- 13** If a case examiner considers that it may be appropriate to conclude the case with a warning, we will write to the doctor to seek his/her comments. The doctor has 28 days to provide such comments.
 - 14** Once the doctor has had an opportunity to comment, both case examiners will then formally assess the case to determine whether a warning is appropriate or whether the case should be dealt with in some other way (including referral to a medical practitioners tribunal).
 - 15** If both case examiners consider that a warning is appropriate, and the doctor has not disputed the facts alleged or exercised his/her right to an oral hearing before the Investigation Committee (see paragraph 16), the warning will be issued.
 - 16** If the two case examiners do not agree on the appropriate outcome, the case will be decided at a meeting of the Investigation Committee (a statutory committee of the GMC). This committee will have the same options available to it as the case examiners.
 - 17** If the doctor disputes the facts alleged, or exercises his/her right to an oral hearing, the matter will be referred to the Investigation Committee to consider at a hearing whether a warning should be issued. We will write to the doctor to give notice of the hearing and to confirm the arrangements. The hearing will be held in public. The Investigation Committee will consider all the information collected during the investigation. The Investigation Committee will only hear oral evidence if it considers this necessary to arrive at its decision.
 - 18** Following the hearing the Investigation Committee may:
 - confirm that the warning should be issued
 - conclude the case with no action
 - refer the case forward to a medical practitioners tribunal (where new evidence arising during the hearing indicates that it would be appropriate to do so).
 - 19** A warning may also be issued by a medical practitioners tribunal following its consideration of any case at a hearing before the tribunal.

Last published: February 2018

