

# Policy on publication and disclosure of fitness to practise information for Physician Associates and Anaesthesia Associates

## Table of Contents

Policy on publication and disclosure of fitness to practise information for Physician Associates and Anaesthesia Associates .....	1
Introduction .....	3
Legislative context .....	3
Terms used in this policy .....	5
Where do we publish information about a PA or AA's fitness to practise? .....	9
The GMC website .....	9
The MPTS website .....	10
What information do we publish about a PA or AA's fitness to practise? .....	11
Current measures effective on a PA or AA's register entry .....	11
Historical measures .....	12
Where a PA or AA's register entry is removed .....	15
Revisions.....	17
Appeals.....	19
Internal appeals of Fitness to Practise decisions .....	19
PA or AAs who have died .....	21
Warnings .....	21
What information do we disclose about a PA or AA's fitness to practise? .....	21
What information do we disclose while we are considering concerns about a PA or AA? .....	22
Additional information .....	23
Witnesses .....	23
Transcripts at the end of a hearing .....	24
Vetting and barring scheme .....	24
Media enquiries .....	24

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Accessibility .....	24
Welsh language .....	24
ANNEX A: Removals .....	25
Introduction .....	25
Removals under Article 9 .....	25
Schedule 2 .....	26

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## Introduction

1. This document sets out our general policy on the publication and disclosure of information relating to a Physician Associate (PA) or Anaesthesia Associate's (AA) fitness to practise. We publish and disclose information about fitness to practise to help meet our overarching objective\* of protecting the public. In meeting these objective, we act to:
  - protect, promote and maintain the health, safety and well-being of the public
  - promote and maintain public confidence in the professions we regulate
  - promote and maintain proper professional standards and conduct for members of the professions.
2. Our publication and disclosure policy is informed by the following principles:
  - We are committed to transparency about our processes and decisions. We believe that being open about the action we take in response to concerns about PAs and AAs is in the interests of the public and the professions.
  - We will take a proportionate approach when displaying this information online or sharing it with those who request it.

## Legislative context

3. We have a statutory duty under paragraph 4 of Schedule 3 of the *Anaesthesia Associates and Physician Associates Order 2024* (the AAPAO) to publish, as soon as is practically possible, a range of decisions by GMC decision makers (case examiners, internal appeal panels) and MPTS decision makers (Associate Tribunals, Interim Measure Tribunals, internal appeals panels).
4. We also have a discretionary power under paragraph 3 of Schedule 3 to publish fitness to practise information where we consider it is in the public interest to do so. We have a discretionary power under paragraph 1 of Schedule 3 of the AAPAO to disclose any information about a physician associate (PA) or anaesthesia associate's (AA) fitness to practise, to any individual or organisation, where we consider it to be in the public interest. We may also disclose information about former registrants. In exercising our discretionary powers, we do not have to consider the public interest in relation to each individual PA or AA or case but can agree and implement policies which apply to the

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\* Section 1(1A) and (1B)(a) of the Medical Act 1983 and paragraph 3(1)(a) of Schedule 1 of the Anaesthesia Associates and Physician Associates Order 2024

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disclosure of general categories of information in the public interest.

5. We are subject to a range of legislative duties in relation to information governance under data protection legislation, *the Human Rights Act 1998*, and the *Freedom of Information Act 2000*. Data protection legislation and the *Freedom of Information Act* impose a particular set of duties in respect of information disclosure.
6. This document outlines our policy in relation to the routine publication and disclosure of fitness to practise information. It also sets out when we may withhold information from publication because it concerns a person's physical or mental health, or we consider it to be confidential for other reasons.

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## Terms used in this policy

7. The following terms are used throughout this policy and should be read in accordance with the definitions below.
- 'An **'associate'** is a person registered under the terms of the AAPAO i.e., a registered PA or AA.
  - '**Associates Tribunal**' means a fitness to practise panel (run by the MPTS) constituted under rule 56 of the [General Medical Council \(Fitness to Practise\) \(Anaesthesia Associates and Physician Associates\) Rules 2024](#) which is exercising functions under articles 6(2), 10(5), 13 and 14 of the Order.
  - A '**Case Examiner**' means a person who carries out case examiner functions under articles 10 and 13 of the AAPAO on behalf of the GMC. They may also carry out other functions as assigned by the GMC.
  - '**Decision**' means a decision or part of a decision made under the AAPAO or Rules made under the AAPAO; a finding made by a decision maker. 'Decision' in this policy means the decision maker's full and detailed decision – the explanation for their decision.
  - '**Disclosure**' means the sharing of information with external parties, that is not already in the public domain. Disclosure may be reactive (where we provide information to someone who has asked us for it), or proactive (where we take the initiative to disclose information where we've identified a need to do so).
  - '**Final Measure**' - Following a decision that a PA or AA's fitness to practise is impaired, the AAPAO allows both case examiners and tribunals to impose restrictive action on their register entry. This means putting in place conditions, suspension or removal which are called a Final Measure.
  - '**Final Measure Review**' – This is a review of the restrictive action on a PA or AA's registration to determine if the conditions or suspension are still necessary and/or sufficient. It can be carried out by a CE or an Associate Tribunal.
  - '**GMC reference number**' means an associate's unique registration number\*.

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\* As required by article 5(3)(a).

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- **‘Internal Appeal’** an appeal against some GMC or MPTS decisions as provided for in the AAPAO that is made to either a GMC Panel or an MPTS Panel\*.
  - **‘Internal Appeal outcome(s)’** refers to the overall decision(s) of an Internal Appeal Panel’s decision<sup>†</sup> without the reasoning.
  - **‘Internal Appeal decision(s)’** refers to the Internal Appeal Panel’s whole decision as in the outcome and the reasoning. Internal Appeal decisions may vary in content, detail, and length, depending on factors such as (but not limited to) the type of appeal and the appeal outcome.
  - **‘Interim Measure’** is used to restrict a PA or AA’s registration on an interim basis pending the outcome of fitness to practise proceedings.
  - **‘Interim Measure review’** is a review of an Interim Measure to determine if the measure is still necessary and/or sufficient. It can be carried out by a CE or an Interim Measure Tribunal.
  - **‘Interim Measure Tribunal’** - means an Interim Measures panel (run by the MPTS) constituted under rule 56 of the *General Medical Council (Fitness to Practise) (Anaesthesia Associates and Physician Associates) Rules 2024* which is exercising functions under articles 11 and 12 of the AAPAO.
  - **‘Online register entry’** refers to a subset of a register entry published on our website for current and former registrants. An ‘online register entry’ is different from a ‘register entry’, which may contain information we aren’t either required or empowered to publish in an ‘online register entry’.
  - **‘Onward referral’** is where a concern has been assessed as having a reasonable likelihood that regulatory action is required to protect the public. Concerns that meet the onward referral test are referred to case examiners for a decision.
  - **‘Outcome’** means overall decision but not the reasoning behind the decision.
  - **‘Publication’** means making information about our registrants (current and former) available to anyone by publishing it. We publish information in response to legislative requirements (such as the AAPAO requirement to publish specific information about

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\* Under article 16.

† As set out in article 16(5) of the AAPAO: dismiss the appeal; quash the decision under appeal; substitute for the decision under appeal a decision that could have been made; remit the matter to be disposed of in accordance with directions.

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each registrant) or because of actions we take (such as removals from the register or appeal decisions), or because we consider that publication is in the public interest or serves a public protection purpose.

- **‘Register’** means the register of PAs and AAs we’re required to keep by the AAPAO\* and is distinct from the registers of doctors<sup>†</sup> which we’re required to keep by the Act. The register of PAs and AAs is split into two parts - one part for PAs and one part for AAs - and includes all registered associates who are legally able to practise in their profession(s) in the UK, having met the required standards and requirements for registration.

We keep the register of PAs and AAs on our internal database systems. It contains all the information we’re required to collect and hold about registered associates by the AAPAO and our rules<sup>‡</sup>.

The register of PAs and AAs doesn’t contain any information about former registrants (unlike the online registers) or unsuccessful applicants. Information about former registrants is held separately from the register in our database.

- **‘Register entry’** means an entry in the register of PAs and AAs containing information relating to a single registrant. We also hold additional information about registrants, such as their protected characteristics, which doesn’t form part of their register entry.

A single registrant may have more than one entry in the register of PAs and AAs at the same time, if they’re registered in both professions, and may also have an entry in the medical register if they’re also a registered medical practitioner.

A ‘register entry’ is different from an ‘online register entry’ – a ‘register entry’ may contain information which we’re not required to or choose not to publish in an ‘online register entry’.

- **‘Registration status’** is recorded on an PA or AA’s register entry and published on their online register entry and indicates whether they currently hold registration. It has a basic format of either ‘Registered’ or ‘Not registered’.

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\* Article 5(1)(a)(i).

† The register of medical practitioners comprising the principal list, the emergency powers doctors list, and the visiting overseas doctors list; the specialist register; and the GP register.

‡ As required by article 5 of the AAPAO and the General Medical Council (Form and Keeping of the Register) (Anaesthesia Associates and Physician Associates) Rules 2024.

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Where we've removed an entry or entries relating to a PA or AA from the register (so that they no longer hold registration), we'll add extra text to their registration status (both in the register(s) and in their online register entry) to explain why they were removed. We'll also do this where a PA or AA has died and has been removed for another reason.

- **'Registrant'** means a person registered under the AAPAO\*. A 'former registrant' is a person who's unregistered but has previously held registration and may also be an applicant and / or an appellant.
- **'Removal'** refers to the removal of a PA or AA's entry or entries from the register, which means that they cease to hold registration. When this happens, they become a former registrant and don't appear in the register but will continue to appear in the online register.
- **'Removal for a listed offence'** Schedule 2 of the AAPAO lists certain very serious criminal offences and if a PA or AA is convicted of one of these their register entry must be removed as soon as reasonably practicable (See Annex A for a full list of these offences).
- A **'revision'** is the process of changing a decision.
- **'Share'** and **'sharing'** refer to and cover both publication and disclosure of information.
- **'Substantive action'** encompasses warnings, Final Measures and a tribunal finding of impairment with no measure imposed.
- **'Voluntary Removal'** is a removal under Article 9(2)(c)(i) of the AAPAO where we have granted a PA or AA's request for removal of their register entry (this policy is only concerned with these removals where there are Fitness to Practise concerns).
- **'Warning'** is where following a decision that a PA or AA's fitness to practise is not impaired, the AAPAO allows both case examiners and tribunals to issue a warning. A warning is a formal response which indicates to a PA or AA that their behaviour or poor performance represents a departure from the professional standards expected and should not be repeated.

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\* As defined in article 2.



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## Where do we publish information about a PA or AA's fitness to practise?

8. Information about certain decisions is published on the websites of either the General Medical Council (GMC) or the Medical Practitioners Tribunal Service (MPTS) as set out below.
9. When concerns are raised about a PA or AA which raise a question of impaired fitness to practise, the GMC carries out an initial assessment to determine if regulatory action is likely to be needed or not. At all stages of the fitness to practise process, including the initial assessment stage, a concern may be referred to the MPTS to arrange an Interim Measures Tribunal to consider whether it is necessary to take interim action to impose conditions on, or suspend, a PA or AA's register entry to manage any interim risks. Following initial assessment, the case may be closed or, where there is a reasonable likelihood that regulatory action will be required, referred to two case examiners (one medical, one lay). The case examiners may find that the PA or AA's fitness to practise is not impaired and either close a case with no action or issue a warning. Where the case examiners make a finding of impairment they may (subject to the PA or AA's agreement or them not responding) impose a Final Measure. The case examiners can also refer the concerns to the MPTS to arrange adjudication by an Associate Tribunal.
10. Where an Associate Tribunal finds a PA or AA's fitness to practise is not impaired, it may close a case with no action or issue a warning. Where an Associate Tribunal finds a PA or AA's fitness to practise is impaired it may decide to take no action, impose conditions on, or suspend or remove the PA or AA's register entry.

## The GMC website

11. Under the AAPAO, we are required to keep a register for PAs and AAs. Each former and current registrant has a register entry and on the GMC website we publish a subset known as their online register entry which includes their name, GMC reference number and date of most recent registration, together with the part of the register that they are registered in. For a full list of what we information we keep on the registers and what we publish on the online registers please refer to our policy: *PAs and AAs: Publication and disclosure of registration information*.
12. The online register entry also records any active Interim or Final Measures to address concerns about a PA or AA's fitness to practise. An online register entry also contains historical information about action we've taken in relation to a PA or AA's fitness to practise even if the measures are no longer active. The publication of this information is time limited.
13. This policy sets out below further information on what the GMC publishes on the online registers about both current and historical action in relation to a PA or AA's fitness to practise.
14. The *Recent decisions* page on the GMC website contains a list of recent decisions made by case examiners. The *Recent appeal decisions page* on the GMC website contains a list of

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recent decisions by Internal Appeal Panels. This includes:

- Decisions by case examiners to issue a warning or impose a Final Measure
- The outcome of decisions by case examiners on Interim Measure reviews
- Decisions by case examiners to grant voluntary removal
- Decisions by case examiners on Final Measure reviews
- Revision decisions where these are publicly available
- The outcome of the decisions by GMC Internal Appeal Panels on Interim Measures
- Decisions by GMC Internal Appeal Panels on Final Measures and Final Measure reviews
- Decisions by Internal Appeal Panels to quash the decision not to grant voluntary removal and substitute the decision under appeal:
- Outcome of the decision where the request for voluntary removal was received at the initial assessment stage.
- The decision where the request for voluntary removal was received at the case examiner stage.

**15.** These decisions are published on this list for one year, with the exception of Interim Measure review decisions and Internal Appeal Panel decisions on Interim Measures where the outcome is published for six weeks. No further details of the decision taken are published although the Interim Measure itself is published on the PA or AA's online register entry while it is active. Where a PA or AA has been found impaired on the grounds that they are unable to provide care to a sufficient standard solely for reasons of their health, these decisions are not published on this page.

**16.** The GMC also publishes information about forthcoming internal appeal hearings on its website.

## The MPTS website

**17.** The *Recent decisions* page on the MPTS website contains decisions of the following Associate Tribunal hearings and Interim Order Tribunal hearings:

- Hearing decisions about the fitness to practise of PA or AAs
- Hearing decisions on Final Measure reviews
- Hearing outcomes about Interim Measures and Interim Measure reviews
- Hearing decisions where the tribunal considers a PA or AA's application for voluntary removal.
- Hearing decisions about applications for re-entry
- Hearing appeal outcomes about Interim Measures and Interim Measure Reviews

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- Hearing appeal outcomes about voluntary removal
18. These decisions are published on the MPTS website for one year, with the exception of decisions where impairment was on the grounds that the PA or AA was unable to provide care to a sufficient standard solely for reasons of their health which are not published on this page. This page also contains hearing decisions that do not result in the issue of a warning or a finding of impairment although these are not published on the GMC's online registers.
  19. Where an Interim Measures Tribunal hearing imposes conditions on or suspends a PA or AA's register entry or an Internal Appeal panel makes a decision on Interim Measures, the MPTS publishes the outcome on the *Recent decisions* page of their website for six weeks. No further details of the decision are published although the Interim Measure itself is published on the PA or AA's online register entry while it is active.
  20. The MPTS also publishes information about forthcoming tribunal hearings on its website, both in a list of current and upcoming MPTS hearings and via a website notice. A website notice will be published on the MPTS website before all Associate Tribunal hearings held in public and will be removed once the hearing decision is published. Interim Measures Tribunals are usually held in private, but if a PA or AA's request to have their Interim Measure hearing in public is granted, a website notice will be published in the same way.

## What information do we publish about a PA or AA's fitness to practise?

### Current measures effective on a PA or AA's register entry

#### Final Measures imposed by Case Examiners or an Associate Tribunal

21. Where a Final Measure is active on a PA or AA's register entry, we publish this information on the *Registrant details* page of the PA or AA's online register entry for as long as the measure is active. There is also a link to the relevant case examiner or tribunal decision if this is publicly available. The decision is also published on the *Recent decisions* page for one year.
22. Where a PA or AA's register entry has been removed for fitness to practise reasons, this will be stated on the *Registrant details* page of the PA or AA's online register entry for a period of ten years from the date at which the PA or AA's register entry is removed. A link to the relevant case examiner or tribunal decision is also displayed if this is publicly available. After ten years the information will be removed from publication on the online registers. However, if the PA or AA subsequently re-enters the register, this information will once more be displayed on the *Registrant history* page of their online register entry.

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## Interim Measures

- 23.** Interim Measures are displayed on a PA or AA's online register entry while they are active but removed from publication when they are lifted. If we grant a PA or AA voluntary removal, or their register entry is removed under Article 9(2)(c)(ii) of the AAPAO (see Annex A that outlines these removals), while an Interim Measure is active, the Interim Measure will be published for a further period of one year.

## Information about a PA or AA's health, and other confidential information

- 24.** We do not publish any information relating solely to a PA or AA's health. We treat this information as confidential.
- 25.** We do not publish records of hearing decisions or case examiner decisions where the issues relate solely to a PA or AA's health, either on their online register entry or on the MPTS Recent decisions page, although if a measure has been imposed, this will be published on the PA or AA's online register entry. Where a PA or AA's register entry is subject to conditions, only those that relate to their practice will be displayed. Final Measure conditions that relate solely to the management of the PA or AA's health condition are not displayed.
- 26.** We may not publish decisions, or parts of decisions, in other exceptional circumstances where information is considered confidential, for example to protect the privacy of a complainant, witness or other third party.
- 27.** Health concerns may form part of the consideration as to whether or not a PA or AA's fitness to practise is impaired, alongside misconduct or matters relating to the PA or AA's performance. In these circumstances, all published hearing decisions, and case examiner decisions, will only refer to the other issues and will not include information solely relating to the PA or AA's health. We will consider including this information however, if the PA or AA requests it.
- 28.** Associate Tribunals and Internal Appeal Tribunals which hear cases involving the consideration of both health and other issues are expected to hold as much of the hearing as possible in public, entering into private session only for those parts of a hearing which relate to a PA or AA's health. Where this is not possible however, and non-health issues are considered alongside health issues in private session, we will publish a record of the tribunal's decision with the information relating solely to the PA or AA's health removed.

## Historical measures

- 29.** Where a suspension or conditions are no longer active on a PA or AA's register entry, we will continue to publish them (the outcome and, where appropriate, the decision) in the *Registrant history* section of the PA or AA's online register entry for a period of time. We will also publish the decision that resulted in a finding of impairment by an Associate Tribunal, even if no measure was imposed. The exact length of time for which information is published will depend on the type of measure, whether the PA or AA remains

registered, and whether or not the action was taken on the grounds that they are unable to provide care to a sufficient standard solely for reasons of their health. The time limits aim to achieve a balance between the following factors:

- transparency about the regulatory action we have taken in order to protect the public and maintain confidence in the professions
- proportionality in relation to matters that took place a long time ago; matters relating to a PA or AA's health; or PA or AAs who have given up their registration and are no longer seeking work as a PA or AA.

**30.** The time limits for substantive action are as follows:

**Table 1: Unregistered PAs or AAs**

Measure	Time limit
PA or AA's register entry was removed following a Final Measure of removal	10 years from the date of removal
PA or AA's register entry was removed under Article 9(2) of the AAPAO because they have not complied with a direction to carry out an assessment or provide information in accordance with a requirement under the AAPAO	10 years from the date of removal
PA or AA's register entry was removed under Article 9(1) of the AAPAO following conviction for an offence listed in Schedule 2 of the AAPAO.	10 years from the date of removal
PA or AA was found impaired and a suspension or conditions were imposed on their register entry	5 years from the date the PA or AA's register entry was removed (subject to relevant 10 and 15 year maximum periods – see Table 2)
PA or AA was found impaired but no measure was imposed	1 year from the date the PA or AA's register entry was removed (subject to 5 year maximum period – see Table 2)
PA or AA was found impaired on the grounds that they were unable to provide care to a sufficient standard solely for reasons of their health	1 year from the date the PA or AA's register entry was removed (subject to the measure still being active at that point)

**Table 2: Registered PA or AA – action taken where the decision on impairment did not solely relate to the PA or AAs physical or mental health**

Measure	Time limit
PA or AA’s register entry was removed following a Final Measure of removal and subsequently re-enters the register	As long as the PA or AA is registered plus 5 years if their register entry is removed
PA or AA’s register entry was removed under Article 9(1) of the AAPAO following conviction for an offence listed in Schedule 2 of the AAPAO and subsequently re-enters the register	As long as the PA or AA is registered plus 5 years if their register entry is removed
PA or AA’s register entry was suspended for more than 3 months	15 years from the date the suspension expires or is revoked
PA or AA’s register entry was suspended for 3 months or less, or conditions were imposed on it	10 years from the date the measure expires or is revoked
PA or AA received a finding of impaired fitness to practise but no measure was imposed	5 years from the date of the end of the MPTS hearing

**Table 3: Registered PA or AA – action taken where the decision on impairment relates solely to the PA or AAs physical or mental health**

Measure	Time limit
PA or AA was found impaired on the grounds that they were unable to provide care to a sufficient standard solely for reasons of their health and a suspension or conditions were imposed on their register entry	Remove from publication as soon as measure expires/is revoked
PA or AA was found impaired on the grounds that they were unable to provide care to a sufficient standard solely for reasons of their health, but no measure was imposed	No publication on the online register entry

## Interim Measures

**31.** Historical Interim Measures are not published. However, they can be disclosed for the

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duration of the publication period of any subsequent related Interim Measure or substantive action.

## Where a PA or AA's register entry is removed

### Final Measures or impairment findings

- 32.** Where a PA or AA's register entry is removed while a Final Measure or impairment finding is still being published on the online registers, the time limits which apply to the existing measure or finding are those set out in Table 1 for 'Unregistered PA or AAs'. However, these time limits are subject to the maximum period overall for the particular fitness to practise action taken.
- 33.** We will publish information about the suspension of, or conditions on, a PA or AA's register entry (except where they were imposed on the grounds that they are unable to provide care to a sufficient standard solely for reasons of their health) on their online register entry for five years from the date the PA or AA's register entry was removed, unless there is less than five years of the original time limit left to run, in which case we will publish it for the remaining period of that original time limit.

For example, in March 2026, Associate A receives a three month suspension, which expires in June 2026. Information about the suspension is subject to a ten year publication time limit, so will continue to appear in the history section of the PA or AA's record until June 2036. However, in April 2034, Associate A applies for and is granted voluntary removal. The publication time limit for a suspension for a PA or AA who is no longer on the register is five years from the date the PA or AA is granted voluntary removal, which for Associate A would be April 2039, but as there is less than five years of the original publication period left, the information will appear on their record only until the end of that period ie June 2036. If Associate A had taken voluntary removal in April 2028, the five year publication period for non-registered PA or AAs would apply, and the information would be removed from the online register entry in April 2033.

- 34.** Where a PA or AA has received a finding of impaired fitness to practise with no measure and they are later removed, we will publish this decision for one year on their online register entry from the date that the PA or AA's register entry is removed. If, however, there is less than a year to run of the original five year publication period, we will publish it for the remainder of that time only.
- 35.** If a PA or AA has a measure still active on their registration at the point at which their register entry is removed, we will publish information about the measure for five years from that date. If the measure was imposed on the grounds that they were unable to provide care to a sufficient standard solely for reasons of their health, we will publish the

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information for one year.

## Interim Measures

- 36.** In some cases, a PA or AA's register entry may be removed while it's subject to an Interim Measure. In these circumstances, the outcome of the Interim Measure decision will continue to be published for one year from the date the removal of their register entry takes effect.

## Decisions on voluntary removal

- 37.** The MPTS publishes decisions taken during tribunal proceedings on applications for removal from the register on the Recent decisions page of its website for one year. If the request for removal is granted after a tribunal finds a PA or AA's fitness to practise to be impaired but prior to a measure being imposed, we also publish that tribunal decision on the PA or AA's online register entry for a period of one year from the date the removal was granted. Where a request for removal is granted during a review of active measures, we publish the decision on the PA or AA's online register entry in line with the time limits for the substantive action (that is, one year for cases where the action has been taken on the grounds that they are unable to provide care to a sufficient standard solely for reasons of their health; five years for all other cases). Their registration status will also be updated.
- 38.** The GMC publishes decisions taken by CEs to grant voluntary removal at the post onward referral stage on the Recent decisions page of its website for one year. It will also be published on the PA or AA's online register entry for a period of one year from the date of the voluntary removal. Where voluntary removal is granted during a review of active measures, we also publish the decision on the PA or AA's online register entry in line with the time limits for the substantive action (that is, one year for cases where the action has been taken on the grounds that they are unable to provide care to a sufficient standard solely for reasons of their health; five years for all other cases).

## Removal of a register entry following conviction for a listed offence

- 39.** Schedule 2 of the AAPAO lists certain very serious criminal offences and if a PA or AA is convicted of one of the offences listed under paragraphs 1 to 8 of Schedule 2, or is convicted and a custodial sentence was imposed for any other offence listed under Schedule 2, their register entry must be removed as soon as reasonably practicable. Where a PA or AA's register entry is removed under this provision, this information will remain on their online register entry for ten years from the date at which they were removed.



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## Revisions

### What do we mean by a revisable decision?

- 40.** The AAPAO provides the GMC with a power to revise such decisions as are prescribed in the *General Medical Council (Revision of Decisions) (Anaesthesia Associates and Physician Associates) Rules 2024*.
- 41.** A decision may only be revised if:
- The decision was based on an error of fact or law;
  - A material change in circumstances has occurred since the decision was made, although this ground does not apply to case examiner decisions under article 10 of the AAPAO.
- 42.** Table 4 sets out the types of fitness to practise decisions that are revisable.

### What will we publish?

- 43.** The following table sets out the original decision and what information will be available where the original decision is revised and seeks to apply the publication principles in this policy to the revised decision.
- 44.** We will not publish revised decisions unless the outcome is in a category which would be in the public domain or which we would normally publish.

**Table 4: Publication lengths for revised FtP decisions**

Original Decision	What information will be publicly available where a decision is revised?
Removal of a register entry where the PA or AA has not complied with an assessment procedure or has not provided information when required during a fitness to practise investigation.	The PA or AA's entry on the online register will be updated to reflect their new registration status of 'Registered'.  We will publish the decision on the <i>recent decisions</i> page for 1 year.
Decision to grant voluntary removal (where there are FtP concerns).	The PA or AA's entry on the online register will be updated to reflect their new registration status of 'Registered'  Any information about a previous measure or finding of impaired fitness to practise will be re-published in the PA or AA's online register entry for the

	<p>remainder of the original publication period.</p> <p>Where there is any change to the information publicly available about the PA or AA we will publish the decision on the GMC <i>recent decisions</i> page.</p>
Decision to refuse a request for voluntary removal (where there are Ftp concerns).	<p>The PA or AA's entry on the online register will be updated to reflect their new registration status of 'Not registered – registrant requested removal.'</p> <p>We will publish revised decisions to grant voluntary removal where the decision was made by a CE on the GMC <i>recent decisions</i> page and the online entry for one year.</p>
Decision to refer a concern following initial assessment.	We will not publish these decisions.
Decision not to refer a concern following initial assessment.	We will not publish these decisions.
Case examiner decision to take no further action.	We will publish the decision on the GMC <i>recent decisions</i> page and in the registrant details and history section of the PA or AA's online register entry in accordance with this policy.
Case examiner decision to issue a warning.	Where the outcome is 'no further action' we will publish the decision on the GMC <i>recent decisions</i> page for 6 weeks.
Case examiner decision to impose a Final Measure on the PA or AA's register entry.	<p>Where the revised outcome is 'no further action' we will update the PA or AA's registration status to remove the previous measure and their registration status will be updated to 'registered'.</p> <p>We will also publish the decision and this</p>

	<p>will be available on the GMC <i>recent decisions</i> page for one year.</p> <p>If the outcome is to issue a warning or impose a different Final Measure on the PA or AA's register entry, we will publish this in accordance with this policy.</p>
<p>Case examiner decision specifying the length of time that a Final Measure will remain in effect on a PA or AA's register entry.</p>	<p>We will update the PA or AA's registration history section to update the duration of the Final Measure.</p> <p>We will publish these decisions on the GMC <i>recent decisions</i> page for 1 year and in the registrant details and history section of the PA or AA's online register entry in accordance with this policy.</p>

## Appeals

### Internal appeals of Fitness to Practise decisions

**45.** We must publish all internal appeal outcomes<sup>\*</sup>, which includes whether the panel choose to:

- dismiss the appeal;
- quash the decision under appeal;
- substitute for the decision under appeal a decision that could have been made;
- remit the matter to be disposed of in accordance with directions

**46.** We can also publish the decision if we consider publication to be in the public interest<sup>†</sup>.

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<sup>\*</sup> Paragraph 4(2) of Schedule 3 to the AAPAO

<sup>†</sup> Paragraph (3)(1)(e) of Schedule 3 to the AAPAO

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The GMC publishes information about forthcoming internal appeal hearings on its website.

## Interim Measures Review Appeals to the GMC

- 47.** Interim Measure review appeals are usually heard in private<sup>\*</sup>. We will publish the outcome of the internal appeal on the *recent decisions* page of the GMC website for 6 weeks. The Interim Measures will also be displayed on a PA or AA's online register entry while they are active but removed from publication when they are lifted. We won't publish the Appeal Panel's decision unless requested by the appellant.

## Interim Measures and Interim Measure Review Appeals to the MPTS

- 48.** Interim Measure appeals and Interim Measure review appeals are usually heard in private<sup>†</sup>. We will publish the outcome of the internal appeal on the *recent decisions* page of the MPTS website for 6 weeks. If there are Interim Measures, these will also be displayed on a PA or AA's online register entry while they are active but removed from publication when they are lifted. We won't publish the Appeal Panel's decision unless requested by the appellant.

## Voluntary Removal Appeals to the GMC

- 49.** Where a PA or AA is appealing a decision to not grant a request for voluntary removal at the initial-assessment stage we will only publish the outcome of the appeal on the GMC *recent decisions* page for one year. Where the panel quash the decision and substitute the decision under appeal for a decision that could have been made i.e. grant voluntary removal, we will also update the PA or AA's registration status.
- 50.** Where a PA or AA is appealing the decision to not grant voluntary removal at the CE stage i.e. post onward referral, and the Appeal Panel quashes the decision and substitutes the decision under appeal for a decision that could have been made we will publish the decision. The decision will be published on the *recent decisions* page for one year. It will also be published on the PA or AA's online register entry for a period of one year from the date of the voluntary removal. We will also update the PA or AA's registration status.

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\* Rule 13(7) of the Appeals rules

† Rule 13(7) of the Appeals rules

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## Voluntary Removal Appeals to the MPTS

- 51.** Where a PA or AA is appealing the decision to not grant voluntary removal at the MPTS stage the Appeal Panel's decision will be published on the MPTS *recent decisions* page for one year. Where the panel quash the decision and substitute the decision under appeal for a decision that could have been made i.e. grant voluntary removal, we will also update the PA or AA's registration status.

## PA or AAs who have died

- 52.** Our policy aims to be proportionate in the information that is publicly available on a PA or AA's online register entry. Where a PA or AA has died, and their death has been formally notified to us and verified, we will remove both current and historical information about their fitness to practise, including any warnings, from their online register entry. Where a PA or AA's death occurs less than a year after the outcome of a case examiner decision or Associate Tribunal however, the case examiner or tribunal's decision will continue to be published on the GMC and MPTS website for the full year. This is because there is a public interest in the outcome of case examiner decisions and tribunal hearings, and the action taken where concerns have been raised about a PA or AA's fitness to practise.
- 53.** Information which has been removed from publication after a PA or AA's death will still be available on request to the general public for the duration of the publication time limit which applies to unregistered PA or AAs. This is because information about a PA or AA who has since died may still be relevant to an individual's decision to pursue a complaint or claim.

## Warnings

- 54.** We will publish the warning and the decision to issue a warning for one year on the *Recent decisions* page and *Registrant details* page of a PA or AA's online register entry and for a further year on the *Registrant history* page, so for two years in total. They are then removed from publication and will no longer be routinely disclosed to general enquirers or to prospective employers. We will usually disclose information about warnings indefinitely to current UK employers and those in the crown dependencies where a request is made for information about a PA or AA's fitness to practise history.

## What information do we disclose about a PA or AA's fitness to practise?

- 55.** Our policy on publication of fitness to practise information relates to the information that is publicly available on the GMC and MPTS websites, including information on the online

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registers. Our policy on disclosure of fitness to practise information relates to the information that we will disclose, either proactively, or when requests for information are made to us. You can make requests for information to our Contact Centre. Details for how to contact us are on our website.

56. All information that is publicly available on the online registers is available to anyone contacting us for information about a PA or AA's registration. Where information has been removed from publication on the online registers, we do not routinely disclose it except in the following circumstances:
- i **Current UK employers and those in the crown dependencies** – We will usually disclose information about historical measures and warnings indefinitely to current employers where a request is made for information about a PA or AA's fitness to practise history. However, we will not routinely disclose historical information to prospective employers or other enquirers once the relevant publication time limit has expired. A prospective employer becomes a current employer after an offer of employment has been made and accepted.
  - ii **Overseas regulators and other overseas organisations, including employers** – For more information, please refer to our policy: *PAs and AAs: Publication and disclosure of registration information*.
  - iii **Interim Measures**– Historical Interim Measures are not published. However, they can be disclosed on request to any enquirer for the duration of the publication period of any subsequent related Interim Measure or substantive action.
  - iv **PAs or AAs who have died** - Information which has been removed from publication after a PA or AA's death will still be available on request for the duration of the publication time limit which applies to unregistered PA or AAs– as set out in Table 1 above.
  - v **In the public interest** – We will disclose information about a PA or AA's fitness to practise in any circumstance where we decide under our discretionary powers (paragraph 1 of Schedule of the AAPAO) that it is in the public interest to do so. This may include, but is not confined to, judicial or public inquiries or investigations.

## What information do we disclose while we are considering concerns about a PA or AA?

57. Before disclosing an individual's personal information, we aim to inform them how their information will be used in our fitness to practise processes and give them an opportunity to let us know if they have any concerns or specific requests.
58. When concerns are raised about a PA or AA which raise a question of impaired fitness to practise, we carry out an initial assessment to determine if regulatory action is likely to be needed or not. Where concerns are raised, we assess them and, if they raise a question about a PA or AA's fitness to practise, we carry out an initial assessment of the concern. To determine if regulatory action is needed, we may gather information before making a

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decision. We will disclose details of the complaint to the PA or AA. We may contact the PA or AA's employer or another third party if they hold information that we need.

- 59.** In cases where concerns have been raised with us anonymously or confidentially, we may, on an exceptional basis, make enquiries of the PA or AA's employer/supervisor without first having disclosed the complaint to the PA or AA. This is in order to establish whether the employer/supervisor holds information which might clarify the concern and help us determine whether we need to gather more evidence to determine if the test for onward referral is met. It will also assist us to determine if a breach of confidentiality owed to the person who raised the concern, by disclosure to the PA or AA, would be justified in the public interest.
- 60.** Where we decide to progress an initial assessment to decide if the onward referral test is met, we will disclose details of the concerns, including the place of the incident, to the PA or AA's current employers. If it is relevant and necessary to do so, we will also disclose the details to the PA or AA's previous employers.
- 61.** We update complainants regularly about the progress of the initial assessment and we inform them as to whether the concern has been referred to a case examiner for a decision and any tribunal hearings. This includes information that a PA or AA's register entry has been removed for a listed offence, or they've been granted their request for removal of their register entry, or their register entry has been removed before an initial assessment, case examiner decision or Associate Tribunal hearing has concluded.
- 62.** The fact that a PA or AA is the subject of an initial assessment will not be routinely disclosed to general enquirers or the media unless and until a warning is issued, a measure is imposed on a PA or AA's register entry, or a hearing takes place. The exception to this is where an Interim Measure is imposed on to restrict a PA's or AA's practice as a precautionary measure.

## Additional information

### Witnesses

- 63.** We remove the names of all witnesses from published decisions. Associate Tribunals and Internal Appeal Panels may treat a witness as vulnerable and take measures to enable them to receive evidence from vulnerable witnesses. However, their evidence will be published in the record of the decision in accordance with this publication policy. In addition to removing the names of witnesses, in exceptional circumstances it may also be possible to remove other identifying details such as the address and name of a health centre, or broadening the scope of the PA or AA's practice (for example, the South East rather than London).

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## Transcripts at the end of a hearing

- 64. We do not release the recording of a hearing. Instead, the transcript is the official record of the hearing. Both the PA or AA who is the subject of the hearing and the GMC can ask for a copy of the hearing transcript, free of charge, at the end of a hearing. If the hearing was held in public, the person who made the complaint can also ask for a copy free of charge, at the end of a hearing. A charge will apply to requests for copies from other enquirers. For further detail, please see our publication scheme on our website at:
- 65. [www.gmc-uk.org/publications/right\\_to\\_know/publications\\_scheme.asp](http://www.gmc-uk.org/publications/right_to_know/publications_scheme.asp)
- 66. Transcripts will only routinely be provided to general enquirers if the decision to which they relate is still being published or disclosed under the terms of this policy.

## Vetting and barring scheme

- 67. We have statutory powers to refer PA or AAs who may pose a risk to vulnerable adults or children to the Disclosure and Barring Service (DBS) in England, Wales and Northern Ireland (Safeguarding Vulnerable Groups Act 2006) and to Disclosure Scotland (DS) under the Protection of Vulnerable Groups (Scotland) Act 2007.
- 68. We do not disclose information about decisions by the DBS or DS to bar someone from working with vulnerable adults or children.

## Media enquiries

- 69. The GMC and MPTS press offices deal with all media enquiries. They are contactable at [press@gmc-uk.org](mailto:press@gmc-uk.org) and [pressoffice@mpts-uk.org](mailto:pressoffice@mpts-uk.org).

## Accessibility

- 70. We are committed to a publication policy that is accessible to people with sensory impairment. Our websites contain an accessibility section with tips and guidance on how to resize the text, ways to change the text and background colour together with other accessibility features. The website works with a number of screen readers to offer users the option to have web pages and PDFs read to them (this is available at no cost via Browsealoud). The sites perform well on a Vischeck (colour blindness simulator) test, and have high contrast and scalable text options which can be chosen from the home page.

## Welsh language

- 71. We are subject to the Welsh Language Standards and on request can provide a translation of this policy in Welsh.



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# ANNEX A: Removals

## Introduction

**72.** This annex includes different types of removals that are allowed under the AAPAO as well as detailing which criminal offences or custodial sentences lead to a removal under article 9(1)(c).

## Removals under Article 9

### **Article 9 (1)(c)**

The Registrar, as soon as reasonably practicable, must remove an entry from the register where the person to whom the entry relates has a conviction for an offence listed in—(i) paragraphs 1 to 8 of Schedule 2, or (ii) any other paragraph of Schedule 2 in respect of which a custodial sentence has been imposed, which was committed on or after the date on which this article comes into force.

### **Article 9(2)(c)(i)**

The Registrar may remove an entry from the register where the person to whom it relates—has requested the removal.

### **Article 9(2)(ii)(aa)**

The Registrar may remove an entry from the register where the person to whom it relates – has not complied with an assessment procedure prescribed in rules under paragraph 4(2)(c) of Schedule 4.

### **Article 9(2)(ii)(bb)**

The Registrar may remove an entry from the register where the person to whom it relates – has not paid a fee in accordance with rules made under paragraph 8 of Schedule 4.

### **Article 9(2)(ii)(cc)**

The Registrar may remove an entry from the register where the person to whom it relates – has not an indemnity arrangement, insurance policy or combination thereof in force which provides appropriate and adequate cover in respect of their practice as an associate.

### **Article 9(2)(ii)(dd)**

The Registrar may remove an entry from the register where the person to whom it relates – has not maintained an effective means of contact with the Registrar.

### **Article 9(2)(ii)(ee)**

The Registrar may remove an entry from the register where the person to whom it relates – has not provided information in accordance with a requirement of, or made under, this Order.

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**Article 9(2)(ii)(ff)**

The Registrar may remove an entry from the register where the person to whom it relates – has not complied with a condition on registration imposed under article 8.

## Schedule 2

**73.** Schedule 2 of the AAPAO lists certain very serious criminal offences that if a PA or AA is convicted of one of these they must be removed from the register as soon as reasonably practicable.

### Offences listed in paragraphs 1-8 of Schedule 2

<b>1</b> Murder
<b>2</b> An offence under the following provisions of the Sexual Offences Act 2003(1)— (a) section 1 (rape); (b) section 2 (assault by penetration); (c) sections 5 to 8 (rape and other offences against children under 13); (d) sections 9 to 12 (child sex offences); (e) sections 30 to 33 (offences against persons with a mental disorder impeding choice); (f) sections 47 to 50 (sexual exploitation of children)
<b>3</b> An offence under sections 9 to 12 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005(2) (sexual services of children and child pornography)
<b>4</b> An offence under the following provisions of the Sexual Offences (Northern Ireland) Order 2008(3)— (a) article 5 (rape); (b) article 6 (assault by penetration); (c) article 12 (rape of a child under 13); (d) articles 13 to 15 (assault in relation to children under 13); (e) articles 16 to 19 (sexual offences against children under 16); (f) articles 37 to 40 (abuse of children under 18: payment for sexual services and involvement in indecent images); (g) articles 43 to 46 (offences against persons with a mental disorder impeding choice)
<b>5</b> An offence under the following provisions of the Sexual Offences (Scotland) Act 2009(4)— (a) section 1 (rape);

<p>(b)section 2 (sexual assault by penetration);</p> <p>(c)sections 3 to 6 (sexual assault and other sexual offences) committed against a person who is, by virtue of section 17 of that Act (capacity to consent: mentally disordered persons), treated as incapable of consenting;</p> <p>(d)sections 18 to 26 (young children);</p> <p>(e)sections 28 to 33 (older children)</p>
<p><b>6</b> An offence under the following provisions of the Modern Slavery Act 2015(5)—</p> <p>(a)section 1 (slavery, servitude and forced or compulsory labour);</p> <p>(b)section 2 (human trafficking)</p>
<p><b>7</b> An offence under either of the following provisions of the Human Trafficking and Exploitation (Scotland) Act 2015(6)—</p> <p>(a)section 1 (offence of human trafficking);</p> <p>(b)section 4 (slavery, servitude and forced or compulsory labour)</p>
<p><b>8</b> An offence under the following provisions of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015(7)—</p> <p>(a)section 1 (slavery, servitude and forced or compulsory labour);</p> <p>(b)section 2 (human trafficking)</p>

## Offences listed in any other paragraphs of Schedule 2

<p><b>9.</b> Extortion (in Scotland).</p>
<p><b>10.</b> An offence under section 21 of the Theft Act 1968 (blackmail).</p>
<p><b>11.</b> An offence under section 20 of the Theft Act (Northern Ireland) 1969 (blackmail).</p>
<p><b>12.</b> An offence under section 3 of the Sexual Offences Act 2003 (sexual assault).</p>
<p><b>13.</b> An offence under article 7 of the Sexual Offences (Northern Ireland) Order 2008 (sexual assault).</p>
<p><b>14.</b> An offence under section 3 of the Sexual Offences (Scotland) Act 2009 (sexual assault).</p>