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Dear Carmen

GMC Response to the consultation 'Universities (Scotland) Act 1966: reinstating the ability of the University of St Andrews to award Certain Degrees and Licences'

Thank you for the opportunity of responding to this consultation. As you know, the GMC is an independent organisation that helps to protect patients and improve medical education and practice across the UK.

- We decide which doctors are qualified to work here and we oversee UK medical education and training.
- We set the standards that doctors need to follow, and make sure that they continue to meet these standards throughout their careers.
- We take action to prevent a doctor from putting the safety of patients or the public's confidence in doctors at risk.

The GMC operates within the legal and legislative structures of the different jurisdictions of the UK.

Question 1: Do you agree that the Scottish Ministers should seek the Parliament's approval to repeal Paragraph 17 Schedule 6 to the Universities (Scotland) Act 1966 and therefore reinstate the ability of the University of St Andrews to hold qualifying examinations and award degrees in medicine and midwifery, as well as degrees and licences in dentistry?

Whilst the GMC does not have a formal view on whether the relevant provision should or should not be repealed, we recognise the rationale for the Scottish Government wishing to do so. We therefore wish to be a helpful stakeholder to the Scottish Government as they pursue this objective and, subject to the normal approvals process, in supporting any future application by the University of St

Andrews to be able to hold qualifying examinations and offer primary medical qualifications (including being able to jointly award ScotGEM degrees with the University of Dundee).

We have welcomed the constructive engagement the Scottish Government has held with us prior to publication of this consultation. There are a few points we wish to summarise here which we hope will be helpful to the Scottish Government as they take forward the legislative process. These relate to our view in relation to the legislative competence of the Scottish Parliament to amend this legislation, and the approval process we would follow for the University of St Andrews should this legislation receive royal assent and we receive an application.

Legislative competence

The Scotland Act 1998 reserves the 'regulation of the health professions' to Westminster. Section 4 of the Medical Act 1983 requires the GMC to maintain a list of the bodies and combinations of bodies entitled to hold qualifying examinations held for the purpose of granting one or more primary UK medical qualifications. Our view is that whilst lifting the restriction on the University of St Andrews holding qualifying examinations will not restrict the exercise of our discretion as to whether to add them to the list, it still very clearly relates to that particular regulatory function. We are therefore of the opinion that the proposed repeal of the restrictions within the Universities (Scotland) Act 1966 is a matter which combines both education and professional regulation. On that basis, our understanding is that the proposed legislation would require Westminster involvement.

We recognise that it is not the GMC's role to determine the issue of legislative competence. We merely set out our view here for the assistance of those considering the issue in Holyrood and Westminster. Should this legislation proceed through the Scottish Parliament and ultimately receive Royal Assent we would, of course, act in accordance with the law and consider any future application by the University of St Andrews (or a combination of the Universities of Dundee and St Andrews) in the same way as we would any other.

ScotGEM

I thought it would be helpful to outline to you here the approvals process that is currently being used for ScotGEM, and how this might change subject to passage of this amendment. At an undergraduate level, the GMC approve institutions that are 'awarding bodies' and not individual medical programmes, however we require all programmes leading to a primary medical qualification (PMQ) to meet our standards for delivery and outcomes for graduates. The University of Dundee is an approved awarding body.

The ScotGEM programme is currently going through our Quality Assurance (QA) process to make sure our standards and outcomes are met. Although the

programme is jointly delivered by the Universities of Dundee and St Andrews, under the current legal arrangements medical students that graduate will do so with a PMQ from the University of Dundee alone, as the University of St Andrews is not an approved awarding body as a consequence of the 1966 Act.

Should the relevant schedule of the Act be repealed, and St Andrews be able to award a PMQ then we would look to add '*a combination of the Universities of Dundee and St Andrews*' to our list of approved bodies for the purposes of the ScotGEM programme. This would not require any additional QA process to that currently in place other than we would need to make a recommendation to GMC Council that this combination be added to our list of approved awarding bodies prior to the graduation of the first cohort in 2022 at the earliest.

The addition of 'a combination of the Universities of Dundee and St Andrews' would only apply to programmes jointly delivered by the two organisations, e.g. the ScotGEM MBChB. Dundee would continue to award a Dundee PMQ for its MBChB programme, and St Andrews would still graduate its BSc (Hons) students to partner medical schools to complete their PMQ studies.

Should the University of St Andrews wish to be added in its own right to our list of approved awarding bodies, for example if it wished to convert its BSc(Hons) programme into a full PMQ, then this would need to go through a separate new school process. Information on this process can be found on our [website](#).

I hope the information above is helpful as you continue to progress this work. We are happy to answer any further questions at any stage.

Yours sincerely

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