

Deciding whether to withdraw a doctor's licence to practise

Purpose of the guidance

- 1** This guidance is for decision makers who are asked to consider whether to withdraw a doctor's licence to practise ('licence') for failing, without reasonable excuse, to meet the requirements of revalidation.
- 2** There is separate guidance for considering whether a doctor's licence should be withdrawn in relation to their insurance or indemnity arrangements.
- 3** This guidance should be read in conjunction with the [principles which apply to decision-making across all our registration and revalidation functions](#).

Legislation

- 4** [The GMC \(Licence to Practise and Revalidation\) Regulations 2012 \(as amended\)](#) (referred to in this document as 'the Regulations') give the Registrar discretion to withdraw a licence under regulation 4(3) where a doctor has failed without reasonable excuse to meet one of the requirements.
- 5** Our [Guide for doctors: Revalidation and maintaining your licence](#), is published under section 29G of the Medical Act 1983 (as amended) and the Regulations. This guidance lays out a doctor's legal obligations in relation to revalidation and sets out the requirements they need to meet to revalidate and maintain their licence.

Points to note

- 6** When deciding whether to withdraw a doctor's licence, you must be satisfied that, in accordance with regulation 4(4), the Registrar has:
 - a** given the doctor notice that they are minded to withdraw their licence and the grounds on which they intend to withdraw it
 - b** invited the doctor to make written representations no later than 28 days from the date of the notice.

- 7 You must also take account of any representations made by the doctor.

Factors to consider

- 8 It is a doctor's responsibility to ensure that they meet the requirements of revalidation within the given timeframes, as outlined in [our statutory guidance](#).
- 9 In all cases you must consider whether the doctor has provided robust evidence from an objective source to support any representations or comments they make.
- 10 Holding a licence is an indicator that the doctor continues to meet the professional standards set by the GMC. The doctor's current scope of practice does not mitigate the risk to the public presented by a doctor's failure to engage sufficiently with revalidation, because the licence does not restrict doctors to working within a particular scope of practice.
- 11 The principles which apply to decision-making across all our registration and revalidation functions specify that all our decisions should act in the public interest. You should, for all decisions, consider our over-arching objective under Sections 1A and 1B of the Medical Act 1983, as amended, and ensure that your decision puts first: the protection of the public, maintaining public confidence in the medical profession, and the upholding of professional standards.
- 12 You may wish to bear in mind that the doctor can apply to restore their licence at any time. If you decide to withdraw the licence, the doctor would be required to meet the requirements of our restoration application process, including demonstrating that they have taken the steps that they failed to take in relation to their revalidation that resulted in the withdrawal of their licence.
- 13 Consider the following questions to determine whether you are satisfied that withdrawing the doctor's licence is a reasonable and proportionate regulatory response.

Has the doctor failed to meet one of the requirements?

Doctors with a responsible officer or suitable person

- 14 Consider the following as relevant to the doctor's circumstances.
- a Has a responsible officer or suitable person submitted a non-engagement recommendation in accordance with [The GMC protocol for making recommendations: Guidance for responsible officers and suitable persons](#)?
 - b Has the doctor had annual appraisals that complied with [our statutory guidance](#)?

- c Has the doctor collected supporting information for appraisal and reflected appropriately at appraisal in accordance with our [guidance on supporting information for appraisal and revalidation](#)?

Doctors without a responsible officer or suitable person

15 Consider the following as relevant to the doctor's circumstances.

- a Has the doctor submitted an annual return **with all** the required evidence including appraisal evidence that meets the criteria in [our statutory guidance](#) by their annual return date as requested?
- b Has the doctor taken the steps to undergo the revalidation assessment when requested?
- c Has the doctor met the standard in the revalidation assessment?
- d Has the doctor collected supporting information for appraisal and reflected appropriately at appraisal in accordance with our [guidance on supporting information for appraisal and revalidation](#) by their annual return date or their revalidation date?

All doctors

16 Consider the following as relevant to the doctor's circumstances.

- a Has the doctor confirmed the name of their designated body or confirmed that they do not have one when requested?
- b Has the doctor provided evidence or information specifically requested by the Registrar in accordance with regulation 6(10) of the Regulations?
- c Has the doctor paid the fee required in accordance with regulation 6(14) of the Regulations?
- d Has the doctor fraudulently provided any evidence or information requested by the Registrar or in relation any requirements of regulation 6 of the Regulations which is false?

Does the doctor have a reasonable excuse for failing to meet one or more of the requirements?

17 Take into account the guidance for decision makers on whether you consider the doctor to have a [reasonable excuse for failing to meet the requirements for revalidation](#).

Is it appropriate to give the doctor more time and a new date?

18 If the doctor has failed, without reasonable excuse, to meet one or more of the revalidation requirements, you need to consider whether it is a reasonable and proportionate regulatory response to give the doctor more time to meet the requirements.

Doctors with a responsible officer or suitable person

19 Consider the following.

- a** Has the doctor now started to engage sufficiently?
- b** Have they now had an appraisal and reflected on all the types of the supporting information they are required to collect?
- c** Has the responsible officer or suitable person confirmed if the doctor is now engaging sufficiently?
- d** Has the responsible officer or suitable person made any comment on the sufficiency and quality of the doctor's supporting information and their reflection on it, including whether the doctor is complying or not with guidance?
- e** If there is still missing information:
 - i** Was the doctor's date brought forward and has a doctor been asked to meet all the requirements earlier than their original date?
 - ii** Is there a plan in place that gives assurance that the doctor can meet all the requirements by a new date suggested by a responsible officer or suitable person?
 - iii** Has the doctor already had sufficient time to meet the requirements?
 - iv** Has the doctor held a licence for over five years and not revalidated?

Doctors without a responsible officer or suitable person

Annual return and evidence

20 Consider the following.

- a** Has the doctor now submitted the annual return with all required evidence, including an appraisal?

- b** If not:
 - i** Has the doctor provided evidence they will have a designated body in the next six months?
 - ii** Has the doctor provided evidence that they have arranged an appraisal to take place in the next six months?
 - iii** Has the doctor already had sufficient time to submit an annual return with appraisal evidence?

Taking the steps to undergo the assessment

21 If the doctor has failed to undergo the assessment, consider the following.

- a** Has the doctor now booked the assessment?
- b** If not:
 - i** Has the doctor provided evidence they will have a designated body in the next six months?
 - ii** If the doctor had a responsible officer previously, was the doctor's date brought forward and has a doctor been asked to meet all the requirements earlier than their original date?
 - iii** Has the doctor confirmed they will give up their licence or registration before their revalidation date?
 - iv** Has the doctor had sufficient time to undergo the revalidation assessment?

Meeting the standard in the assessment

22 If the doctor has failed to meet the required standard in the assessment, consider the following,

- a** Has the doctor since taken the assessment again **and** met the required standard?
- b** Has the doctor provided evidence of successful completion of [an alternative assessment](#), approved by us as suitable for the purpose of evaluating their fitness to practise?

All doctors

23 Consider the following, as relevant to the doctor's circumstances.

- a** Having asked the doctor to tell us the name of their designated body or that they don't have one, is there any other available information that would lead us to conclude the doctor has a designated body?
- b** Is there any other recent available information or evidence that would lead us to conclude that we now have the information or evidence requested under regulation 6(10) of the Regulations?

Options for decision making

24 After considering all the relevant evidence and all factors above, you may decide on one of the following.

- a** You need further information:
 - i** from the doctor; and/or
 - ii** from another doctor (for example an appraiser, responsible officer, or suitable person) or other individual (such as an employer), which is relevant to allow you to decide whether to withdraw the doctor's licence*.
- b** Not to withdraw the doctor's licence, and to:
 - i** give the doctor a new revalidation date or annual return date to allow them more time to meet one or more of the requirements; or
 - ii** keep the doctor's current date and either:
 - pause on any request to undergo the assessment and confirm when we will issue a new request to do this; or
 - allow the doctor to undergo the assessment again; or
 - iii** revalidate the doctor if they have now met all the requirements – and confirm their new revalidation date.
- c** To withdraw the doctor's licence.

25 If you decide to withdraw the doctor's licence, you may advise the doctor of any evidence or information which we would ask for as part of any subsequent application for restoration of their licence in accordance with regulation 4(5) of the Regulations.

* Powers to request this information are provided in section 29E(3) of the Medical Act 1983.

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