

Whether to approve a deferral recommendation following a previous decision to give more time to meet the revalidation requirements

Purpose of the guidance

- 1** This guidance is for decision makers who are asked to consider whether to accept a deferral recommendation made on the basis of insufficient evidence when we have received this directly following:
 - a** a previous recommendation to defer; or
 - b** a decision to restore a licence to practise after we previously withdrew it for failing to meet the revalidation requirements; or
 - c** a decision of an Assistant Registrar to give the doctor more time to meet the revalidation requirements.

Legislation and guidance

- 2** [The GMC \(Licence to Practise and Revalidation\) Regulations 2012 \(as amended\)](#) (referred to in this document as 'the Regulations') allow the Registrar to change a doctor's revalidation date under regulation 6(15) where it is reasonable to do so in the circumstances.
- 3** A responsible officer can make a deferral recommendation and ask us to change a doctor's revalidation date. [The GMC protocol for making revalidation recommendations: Guidance for responsible officers and suitable persons](#) gives guidance for responsible officers or suitable persons when they are considering making a deferral recommendation.

Points to note

- 4** Holding a licence to practise 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 to practise does not restrict doctors to working within a particular scope of practice.

- 5 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.

Factors to consider

Have we previously given the doctor specific advice?

- 6 Did we give the doctor specific advice about what they must do by their revalidation date in the following circumstances?
 - a An Assistant Registrar made a decision to give the doctor more time to meet the revalidation requirements in a licence withdrawal process.
 - b We restored the doctor's licence to practise after we previously withdrew it.
 - c We approved a previous deferral recommendation.
- 7 What reasons has the doctor given for why they haven't completed all the requirements by their revalidation date?
- 8 It is unlikely that we will approve a deferral recommendation where the doctor has not followed specific advice from an Assistant Registrar and there is no reasonable excuse for this. This includes where there is a lack of progress in having an appraisal with sufficient supporting information since their last deferral recommendation.

Does the doctor have a reasonable excuse?

- 9 Consider the guidance for decision makers on whether you consider the doctor to have a [reasonable excuse for failing to meet the requirements for revalidation](#).
 - a Does the doctor have a new reasonable excuse for not meeting the revalidation requirements? or
 - b Is the doctor's reasonable excuse the same as that given for the previous deferral recommendation or Assistant Registrar's decision? If so, have you been given a realistic expectation that the doctor will be able to meet the requirements in future?

What assurance do you have that the doctor will meet the requirements?

10 Has the responsible officer or suitable person confirmed there is a plan in place that gives assurance the doctor can meet all the requirements by a new date?

11 If there was a previous plan in place to meet the outstanding requirements at the time we approved the previous deferral recommendation or at time of the Assistant Registrar's decision:

- a** Has the doctor made progress on their appraisal and supporting information since their last deferral?
- b** What assurance has the responsible officer or suitable person given about the doctor's ability to meet the outstanding requirements and how is this different to the information they gave with their previous deferral recommendation(s)?
- c** Have the doctor's circumstances significantly changed, or has something occurred that could not have been anticipated at the time of the previous deferral recommendation or Assistant Registrar's decision?

Options for decision making

12 After considering all the relevant evidence and factors above, you will decide on one of the following:

- a** Approve the recommendation and deferral period.
- b** Approve the recommendation but agree a different deferral period.
- c** Do not approve the recommendation.

Not approving the recommendation

13 If you do not approve the deferral recommendation, the following will happen.

- a** We will issue the doctor a notice in accordance with regulation 4 (4) of the Regulations that we are minded to withdraw their licence to practise and the grounds on which we intend to withdraw it. We will also share with the doctor any information we have received from their responsible officer or suitable person.
- b** We will inform the responsible officer or suitable person of this.
- c** The doctor will have a further 28 days to meet the outstanding requirements, or to provide us with written representations explaining why we should not withdraw their licence to practise.

- d After this time, we will decide whether it is a reasonable and proportionate regulatory response to withdraw the doctor's licence to practise, using the guidance for decision makers on [deciding whether to withdraw a doctor's licence to practise](#).

Last updated – 8 DECEMBER 2020