

Removal of temporarily registered medical practitioners under S18A of the Medical Act 1983

Introduction

- 1** Section 18A of the Medical Act 1983 gives the Registrar the power to temporarily register a person or group of persons as a fully registered medical practitioner if the Secretary of State advises that an emergency has occurred, is occurring or is about to occur. * The Registrar can register people considered to be 'fit, proper, and suitably experienced to be registered as a fully registered medical practitioner with regard to the emergency'.
- 2** The Registrar also has the power to remove temporary registration. Under the emergency powers, our normal registration requirements and fitness to practise processes do not apply to how temporary registration is granted or removed.[†]
- 3** The legislation sets out that the Registrar must remove temporary registration when the Secretary of State advises the Registrar that the circumstances that led to the declaration of the emergency no longer exist[‡]; and may remove it for any other reason, including where the Registrar suspects that a person's fitness to practise may be impaired.[§]
- 4** The Registrar has also been given a power to make a person's temporary registration subject to conditions, which can be added, removed, or varied at any time.^{**}
- 5** This policy explains the approach the Registrar will take to remove temporary registration and focusses particularly on where the Registrar is exercising discretion to remove for any reason.

* As defined in [section 19\(1\)\(a\)](#) of the Civil Contingencies Act 2004

† Section 18A(7)

‡ Section 18A(5)(a)

§ Section 18A(5)(b)

** Section 18A(3)

- 6** In developing this policy, we have carefully considered how to use our broad powers and resources effectively and efficiently to ensure the safety of patients while recognising the need to support the profession during very challenging circumstances.

Removal when the emergency no longer exists

- 7** The Registrar must revoke temporary registration when the Secretary of State advises that it is no longer an emergency.
- 8** This means that individuals who have been temporarily registered will have their registration revoked and are no longer entitled to practise as a doctor. If they wish to be registered they will need to apply through the normal registration application process.

Removal whilst the emergency is ongoing

- 9** The Registrar may decide to remove temporary registration from someone for any reason at any time, including where they suspect a person's fitness to practise may be impaired.
- 10** When a concern is raised with us about a temporarily registered doctor, we will consider whether the concern is about something which may impair that person's fitness to practise.
- 11** The type of concerns which may be sufficiently serious to affect a person's fitness to practise include*:
- Misconduct
 - Poor performance
 - A criminal caution or conviction
 - Physical or mental ill-health that may impact on ability to practise medicine
 - A determination by another health body
 - Insufficient knowledge of English

* <https://www.gmc-uk.org/concerns/information-for-doctors-under-investigation/how-we-investigate-concerns/deciding-to-investigate-a-complaint-or-concern>

12 In addition to concerns about fitness to practise, there may be other reasons for the Registrar to remove temporary registration. These will be assessed on a case by case basis, but may include:

- Where an individual asks for temporary registration to be removed
- Where we are advised that the number of doctors needed to respond to the emergency has reduced we may remove temporary registration from particular cohorts
- Mistakes of fact relating to the original decision to grant temporary registration, for example where it appears that the individual registered did not meet the eligibility criteria of the group in which they were registered
- Breach of any conditions of practice on their temporary registration
- Where an individual misuses their temporary registration, for example, by practising in a way which is not linked – directly or indirectly – to the emergency*
- Any other matters about the individual which were not previously considered and mean the individual would not have been considered fit, proper, and suitably experienced at the point of registration.

How we will deal with concerns about doctors on the temporary register

13 Section 18A(5)(b) enables the Registrar to remove temporary registration from a person for any reason, including where there are grounds for suspecting that the person's fitness to practise may be impaired.

14 Concerns relating to the fitness to practise of doctors on the temporary register will be initially assessed using [our published thresholds guidance](#) to establish whether the concern would normally meet the threshold for either a Provisional Enquiry (PE) or a Fitness to Practise (FtP) investigation.[†]

15 In an emergency our overarching objective remains the protection of the public. While the broad nature of our powers means we are not required to ask for any further evidence to support a concern about a doctor; to carry out an investigation; or to provide the doctor with an opportunity to respond to the concern, we do have discretion at any point in our processes to do so where we feel this is necessary. We recognise that any concerns which arise during an emergency period are likely to

* Registrants may be working in front-line healthcare roles during the emergency or working in other which roles which require full registration with a licence to practise to support or backfill other registered professionals. We will only be usually be concerned where there is no connection to the emergency situation, for example using temporary registration for commercial purposes.

[†] If the concerns relate to criminal activity we will refer these to the police in the relevant jurisdiction.

have occurred in exceptionally challenging circumstances and this context will be taken into account. However, using our existing triage system to establish if the concern is serious enough to suggest that the doctor may not be fit to practise during the emergency is a robust and proportionate approach in the circumstances of an emergency.

- 16** If the concern does not meet our thresholds, the complaint will be closed and the complainant updated. If a concern does meet either the PE or FtP threshold, an Assistant Registrar (AR) will ordinarily inform the doctor that their registration has been revoked.
- 17** In situations where a concern about a doctor whose licence to practise was restored through temporary registration meets the PE or FtP threshold, an AR will ordinarily inform the doctor that their licence has been revoked. As the doctor remains registered and a threshold has been met, normal FtP processes will be followed to investigate the complaint.
- 18** Non fitness to practise related issues such as those set out at paragraph 12 will also be considered by an AR.

Notification of the decision

- 19** If the AR determines on the basis of the information received that a doctor/ or doctors should no longer hold temporary registration, the decision will have immediate effect. The Registrar will inform the doctor(s) that temporary registration has been removed immediately.
- 20** In all cases where temporary registration has been revoked, we will notify the UK health departments in the four countries with whom we have previously provided details of those who have been temporarily registered.
- 21** The outcome of the Registrar's decision will also be communicated to the person who raised the concern.
- 22** We will not publish our decisions publicly*. However, we will update our online register to reflect that the doctor no longer holds registration or a licence to practice.

After the Registrar's decision

* Any doctor who is granted temporary registration will have this clearly identified on their public record on our List of Registered Medical Practitioners (LRMP). LRMP will not indicate that a doctor's temporary registration was revoked but it will display the dates that TR was held.

23 There is no right to appeal or review the Registrar’s decision to remove temporary registration. However, there may be circumstances where someone may have their temporary registration restored. This will usually only be where:

- The individual’s temporary registration was removed at their own request, and no concerns were raised about their practice or the original decision to register them. In these circumstances the Registrar may decide to restore temporary registration at a later date provided the individuals remains fit, proper, and suitably experienced; or
- It is identified there was a mistake of fact relevant to the Registrar’s decision to remove temporary registration, meaning the decision may be revoked, for example where there was a mistaken identity; or
- There has been a material change in circumstances which mean the individual may be considered by the Registrar as fit, proper and suitably experienced, and temporary registration can be restored. An example may be where someone was removed due to unmanaged health concerns, but their health has since improved.

Applications for permanent registration

24 If doctors who have had temporary registration removed wish to restore their full registration or licence to practise they will need to satisfy our usual registration requirements.

25 It is important that the Registrar is able to take into account any information relevant to an application for registration. This may include concerns raised when someone is temporarily registered, so we will keep a record of these. However, we recognise that any concerns which arise during the emergency period are likely to have occurred in exceptionally challenging circumstances. All relevant context will be taken into account by the Registrar, including the nature of the emergency.

Review and monitoring

26 As with all of our processes, this guidance and process will be kept under review to assess its impact, and revised where appropriate. In line with our Public Sector Equality Duties we will also seek to monitor equality, diversity and inclusion (EDI) data in respect of our temporary registrants where possible, to assess the impact of this policy on people with protected characteristics.

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