

Action	To approve
Purpose	We have developed a policy for granting temporary emergency registration which describes how we use our powers under Section 18A of the Medical Act 1983.
Decision trail	The policy has been considered by the Managing Temporary Registration Project Board in June 2021 and by Registration and Revalidation DSMT in August 2021.
Recommendation	<b>a</b> To approve the policy for granting temporary emergency registration under Section 18A of the Medical Act 1983.
Annex	Annex A: Policy for granting temporary emergency registration under Section 18A of the Medical Act
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## Background

- 1 In the event the Secretary of State advises the Registrar an emergency is occurring, has occurred or is about to occur, Section 18A of the Medical Act 1983 allows us to register individuals as fully registered practitioners for as long as the emergency continues to exist.
- 2 The policy found at Annex A describes how we use our powers under Section 18A to grant temporary emergency registration (TER) to individuals and groups of individuals.
- 3 Section 18A also provides us with powers to remove TER from individuals and groups of individuals. [A policy](#) covering these provisions was agreed last year.

## What does the policy cover?

- 4 The policy covers the following areas:
  - How we identify individuals and groups of individuals as suitable for TER.
  - How we place conditions on individuals and groups of individuals with TER.
  - What individuals can do under TER.
  - How we reflect individuals holding TER on the Medical Registrar.
- 5 In developing the policy, we have reflected on the approach we are taking to granting TER as part of our response to the COVID-19 emergency. We are also cognisant, however, that any future emergency may vary in terms of its nature, scale and duration. With this in mind, the policy sets out a framework for developing an approach to support the response required for a particular emergency rather than detailing the approach itself.
- 6 Within the policy we highlight the importance of working with the four governments and chief medical officers in the UK to develop a specific approach. But we also make it clear that while we are responsible for granting TER, responsibility for matters around deployment, sits with the four health departments and others.

## Equality and diversity implications

- 7 We know as part of our experience of responding to the COVID-19 emergency it is likely, depending on the approach we take, individuals from certain protected characteristics will be disproportionately represented amongst those

granted TER. It will be important, therefore, to undertake a full equality impact assessment to identify any relevant issues and actions for us to take forward when deploying this policy.

### **Reviewing the policy**

- 8 We will review the policy on a regular basis, and ensure it reflects any relevant changes to the Medical Act as part of our regulatory reform programme and our role in regulating medial associate professionals.

## Policy for granting temporary emergency registration under Section 18A of the Medical Act

### Background

- 1 Section 18A of the Medical Act 1983 gives the Registrar discretion to register individuals (or groups of individuals) as fully registered medical practitioners in the event the Secretary of State advises us an emergency has occurred, is occurring or is about to occur.<sup>1</sup> Individuals registered under this section are automatically granted a licence to practise.<sup>2</sup>
- 2 Individuals or groups of individuals granted registration and a licence under Section 18A must be considered to be fit, proper, and suitably experienced to be registered as fully registered medical practitioners with regard to the emergency. The decision to register an individual (or not to register an individual) is at the Registrar's discretion and there is no right of appeal.
- 3 Individuals registered under this section are not subject to revalidation and our normal registration and fitness to practise processes do not apply.<sup>3</sup>
- 4 This policy explains our approach to granting temporary emergency registration with a licence to practise (TER) under Section 18A including how we identify individuals and groups of individuals eligible for TER. Our policy for removing TER from individuals and groups of individuals can be found [here](#).

### Granting TER to individuals and groups of individuals

- 5 Following the declaration of an emergency we will work closely with the four health departments and chief medical officers in the UK, as well as other key partners, to register individuals and groups of individuals in a way which supports the emergency and best meets the needs of patients and the public.
- 6 While we are responsible for registering individuals as registered medical practitioners we are not responsible for determining how they may be deployed

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<sup>1</sup> As defined in [section 19\(1\)\(a\)](#) of the Civil Contingencies Act 2004

<sup>2</sup> Licence to practise regulations (2012) Section 3(1)(a)

<sup>3</sup> Section 18A(8) of the Medical Act 1983

as part of the response to the emergency. That matter rests with four UK governments and others.

*Identifying suitable groups and individuals*

- 7 We will balance the need to act quickly to provide the health service with additional fully registered practitioners with our primary focus of protecting patient safety. The following criteria explain the considerations that shape our approach to identifying individuals or groups of individuals we may consider as fit, proper and suitably experienced for the purposes of Section 18A. That is individuals and or groups of individuals:
  - a Who have or who are working towards a medically related qualification, and
  - b Where we have assurance of their good standing, and
  - c Who have experience of working within a managed and regulated environment.
- 8 Individuals and groups of individuals who satisfy these criteria include:
  - a Doctors who are or who have been previously been registered with the GMC.
  - b UK medical associate professionals (MAPs).
  - c Medical students
  - d Doctors or MAPs registered/licensed with regulators outside the UK.<sup>4</sup>
- 9 In the first instance we will assess whether, based on the scale and nature of the emergency, we need to consider other types of individuals beyond doctors and MAPs who are currently or who have been previously registered with us.
- 10 Once we have decided what type of individuals or groups of individuals we need to register we will apply specific criteria developed for each type of registrant. The criteria will be dependent on:

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<sup>4</sup> For example, doctors registered with the Irish Medical Council.

- a** The type and recency of professional experience of individuals within that group, for example when they last held registration with their professional regulator.<sup>5</sup>
  - b** The type of information available about their good standing with the relevant body, for example professional regulator or university/ medical school.<sup>6</sup>
  - c** Practical considerations such as whether the individuals are currently in the UK and our ability to communicate effectively with them about their registration status during the emergency.
- 11** The Registrar is not under an obligation to make any entry in the register in respect of groups of individuals until they know the name and address of individuals within groups.<sup>7</sup> We can request the disclosure of information from doctors and others, such as a professional regulator for example, in relation to the identification of individuals within groups.<sup>8</sup> The Registrar may also make information available about groups of individuals.<sup>9</sup>
- 12** We do not require individuals to pay fee prior to granting TER. In addition, we do not require doctors or MAPs who are or have been previously registered with the GMC to make a formal application. However, we will request information from individuals who are not already known to us. Information we request includes:
  - a** Their professional experience and qualifications.
  - b** Name of their professional body/regulator.
  - c** Contact details including email address.
- 13** Once we have the necessary information we will either:
  - a** grant registration to those individuals we have found eligible for TER notifying them afterwards that we have done so, or

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<sup>5</sup> As part of the COVID-19 pandemic we only registered doctors who had held registration in the six years prior to the start of the emergency or who had previously held a licence to practise.

<sup>6</sup> As part of the COVID-19 pandemic we excluded doctors who had taken voluntary erasure or relinquished their licence with a current fitness to practise sanction or open fitness to practise investigation and those who had been removed from the Register by a MPTS tribunal, for example.

<sup>7</sup> Section 30A(1) of the Medical Act 1983

<sup>8</sup> Section 35A(1) of the Medical Act 1983

<sup>9</sup> Section 30A(2) of the Medical Act 1983

- b** ask individuals we have found eligible whether they wish to be granted TER.
- 14** The approach we use depends on the nature of the emergency and may change overtime as the response to the emergency changes.
- 15** Individuals registered under Section 18A are entitled to have certain qualifications registered against their names.<sup>10</sup> They will also be automatically included in the GP and Specialist Register if they were previously included in those registers.<sup>11</sup>
- 16** Individuals retain the right to ask for their TER to be removed at any time.
- 17** Doctors holding registration without a licence to practise with us will be granted TER under Section 18A and this will sit in front of their routine registration. If their [TER is removed](#) they will revert to holding registration only.

#### *Granting TER to individuals upon request*

- 18** Individuals may approach us during the emergency to request TER. We will use the agreed criteria specific to the group to which they belong to determine whether they are fit, proper, and suitably experienced to be granted TER. The Registrar retains discretion to grant registration where an individual falls outside of the agreed criteria or for any other reason.
- 19** If we decide not to grant TER we will notify the individual outlining the reasons why.

#### *Placing conditions on individuals or groups of individuals holding TER*

- 20** The Registrar may place conditions on an individual's registration, which can be added, removed, or varied at any time.<sup>12</sup> These conditions may vary across groups and/or individuals and individuals within groups.
- 21** Conditions applied depend on:
  - a** The nature, scale and duration of the emergency.
  - b** The type of individual or groups of individuals i.e. whether they are a doctor, medical student or MAP, for example.

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<sup>10</sup> Section 16 of the Medical Act 1983

<sup>11</sup> Section 34F(4) of the Medical Act 1983

<sup>12</sup> Section 18A(3) of the Medical Act 1983

- 22 The conditions may include, but are not limited to, restricting individuals to practising in a particular area of medicine or location, or undertaking certain roles such as signing death certificates.
- 23 Any actions undertaken by the individual which breach their conditions are considered as if they were undertaken by unregistered individuals.<sup>13</sup> If we become aware of an individual who has breached their conditions we will decide whether to remove their TER.
- 24 In addition, where appropriate we share the information with the relevant persons or organisations in line with our [Registration and Revalidation Publications and Disclosure Policy](#)

### What individuals can do under TER

- 25 The intention of TER is to enable individuals to undertake specific activities to support the response to the emergency.
- 26 As fully registered and licensed practitioners we expect the individuals to practise in accordance with [Good medical practice](#) (GMP) taking into account the context of the emergency.
- 27 Should we become aware a registrant is practising in a way which is not considered to be linked directly or indirectly to the response<sup>14</sup> or in breach of GMP we consider whether to [remove their TER](#).

### Medical Register

- 28 After an individual is granted TER we update our online Medical Register to reflect the individual is holding full registration and licence temporarily as part of the response to the emergency. If, as part of granting TER, we place conditions on the individual's registration, we also provide details of those conditions.

### Review

- 26 This policy will be kept under regular review and updated as necessary.

### Approved:

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<sup>13</sup> Section 18A(8) of the Medical Act 1983

<sup>14</sup> For commercial gain, or to undertake an approved training programme, for example.