

Reporting criminal and regulatory proceedings within and outside the UK

This guidance replaces the 2006 version of the guidance. It comes into effect on 6 October 2008 and applies to reportable offences incurred after this date.

- 1 In our core guidance for doctors, *Good Medical Practice* we advise that:
- You must inform the GMC without delay if, anywhere in the world, you have accepted a caution, been charged with or found guilty of a criminal offence, or if another professional body has made a finding against your registration as a result of fitness to practise procedures.¹

This supplementary guidance is intended to provide more detail about how to comply with this duty.

- 2 The duty to report the matters set out in this guidance does not change the circumstances in which the GMC will investigate a doctor's conduct, nor the threshold for taking action on registration.
- 3 You must inform the GMC without delay if you are the subject of criminal proceedings anywhere in the world.

What you must report

- 4 You must inform the GMC without delay if, anywhere in the world, you:
- formally admit to committing a criminal offence (for example by accepting a caution² or, in Scotland, a fiscal fine)
 - are charged with a criminal offence
 - are found guilty of a criminal offence
 - accept the option of paying a Penalty Notice for Disorder at the upper tier penalty level³ or a Fixed Penalty Notice under the Anti-Social Behaviour etc (Scotland) Act 2004⁴
 - receive a warning for the possession of cannabis are given an Anti-Social Behaviour Order whether as the result of civil or criminal proceedings.

- have had your registration restricted, or have been found guilty of an offence, by another medical or other professional regulatory body.

- 5 You must also comply with any reporting requirements of your employing or contracting organisation. If you are unsure about whether, or who, you need to inform, you should seek advice from a defence body or medical association.

Why you have to tell us

- 6 It is important that the GMC takes prompt and appropriate action to protect patients when a doctor's fitness to practise is in question. Police forces inform the GMC when a doctor is charged with an offence, cautioned or convicted of a criminal offence. Doctors are also required to inform the GMC directly about these matters.
- 7 Fixed penalty notices can also be issued for some criminal offences. Where these are settled by payment of a fine, no criminal conviction is recorded. Payment of a fixed penalty notice for a road traffic offence or a fixed penalty notice issued by local authorities, for example for offences such as dog fouling or noise, will not raise questions about a doctor's registration, and need not be reported to the GMC. However, the commission of offences dealt with by Penalty Notices for Disorder at the upper tier penalty level and Fixed Penalty Notices under the Anti-Social Behaviour etc (Scotland) Act 2004 may raise questions about a doctor's fitness to practise and must be reported to the GMC.
- 8 The use or possession of illegal drugs may raise a question about a doctor's fitness to practise, so you must also tell the GMC if you receive a warning for the possession of cannabis.
- 9 Anti-social behaviour orders (ASBOs) are court orders which prohibit the perpetrator from specific anti-social behaviours and may raise questions about a doctor's fitness to practise, whether they are issued as a result of criminal or civil proceedings.

- 10 If you are unsure whether or not to inform the GMC about any of the matters set out in paragraph 4 you should seek advice from a defence body, medical association or from the GMC.

Footnotes

- 1 *Good Medical Practice* (GMC, 2006) paragraph 58
- 2 This includes a conditional caution under the Criminal Justice Act 2003.
- 3 Applies in England and Wales only. A list of offences can be found at <http://police.homeoffice.gov.uk/operational-policing/crime-disorder/index.html/penalty-notice-introduction11>
- 4 A list of offences are set out in Part 11 of the Anti-Social Behaviour etc (Scotland) Act 2004 which can be found at http://www.opsi.gov.uk/legislation/scotland/acts2004/asp_20040008_en_12#pt11



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