

Our fitness to practise processes: a guide for doctors

**General
Medical
Council**

This guide explains the various processes of how we investigate concerns about doctors which have been raised with us by patients, members of the public, employers, the police or other organisations.

We have an online guide for doctors under investigation on our website (www.gmc-uk.org/concerns/information-for-doctors-under-investigation). We also provide information for members of the public about how to raise a concern, which can be found at www.gmc-uk.org/concerns/supporting-you-with-your-concern.

This guide provides further, more detailed, information about our fitness to practise investigation processes. The steps taken in each investigation will depend on the nature and seriousness of the concerns raised.

What is the GMC and what do we do?

We're the independent regulator of doctors, physician associates (PAs) and anaesthesia associates (AAs) in the UK.

We work with them and other stakeholders to:

- set the standards of patient care and professional behaviours doctors, PAs and AAs need to meet
- make sure doctors, PAs and AAs get the education they need to deliver good, safe patient care
- check who is eligible to work as a doctor, PA or AA in the UK and work with them and their employers to confirm they're keeping up to date and meeting the professional standards we set
- give guidance and advice to help doctors, PAs and AAs understand what's expected of them
- investigate where there are concerns that patient safety, or the public's confidence in doctors, PAs or AAs may be at risk, and take action if needed.

Doctors who wish to practise medicine in the UK must be registered and hold a licence to practise. As a regulatory body, we investigate concerns about all registered doctors, whether they are registered with or without a licence to practise.

When will we investigate?

We only investigate concerns we receive when they raise issues about your ability to practise safely or affect public confidence in doctors.

We will investigate if we have reason to believe there has been a significant departure from the professional standards set out in our guidance, *Good medical practice*. This may be for the following reasons:

- misconduct
- poor performance
- a criminal conviction or caution in the UK or elsewhere for an offence that would be a criminal offence if committed in the UK
- physical or mental ill health that impacts your fitness to practise
- a decision by a regulatory body either in the UK or overseas
- lack of the necessary knowledge of the English language to be able to practise medicine safely in the UK.

What happens when a concern is raised with us?

We review all concerns carefully to see if there are issues that we need to investigate. In some instances, we may decide to carry out a provisional enquiry. A provisional enquiry is a limited, initial enquiry at the outset of the process which helps us to decide whether to open an investigation.

If we decide that the concerns do not appear to raise a question about your fitness to practise, but could require action if part of a wider pattern of concerns, we may pass the concerns on to your responsible officer, and advise you to consider them as part of your appraisal.

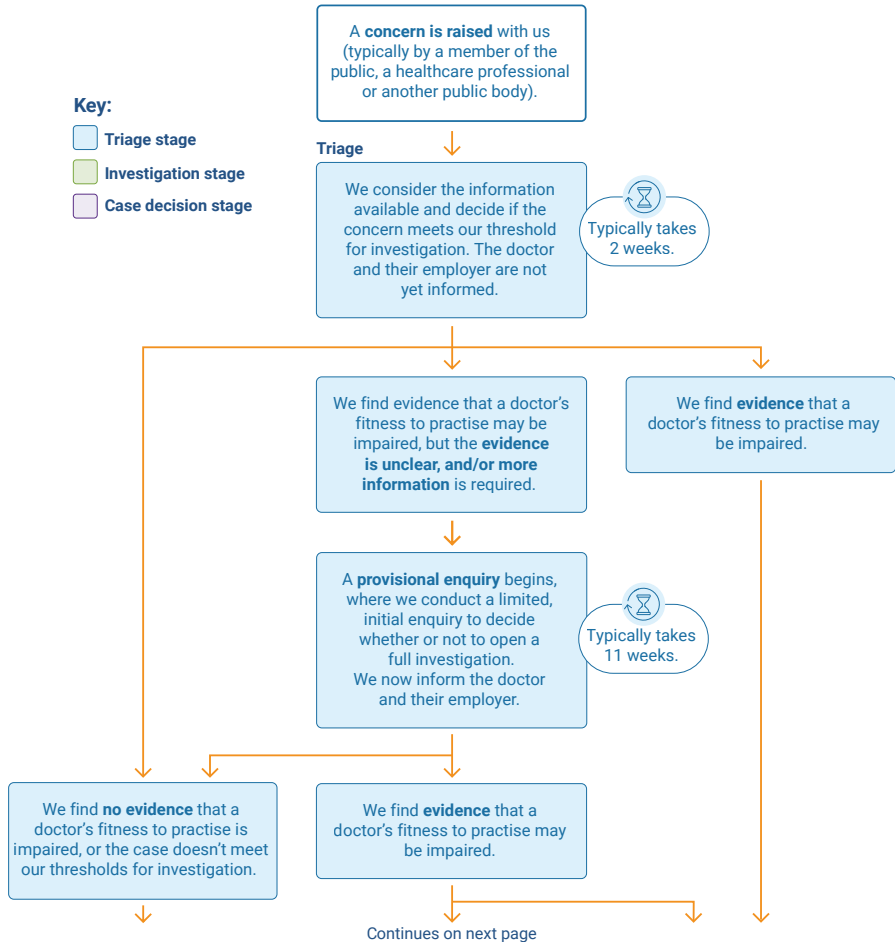
If we believe potentially serious concerns are being raised, we will investigate further ourselves.

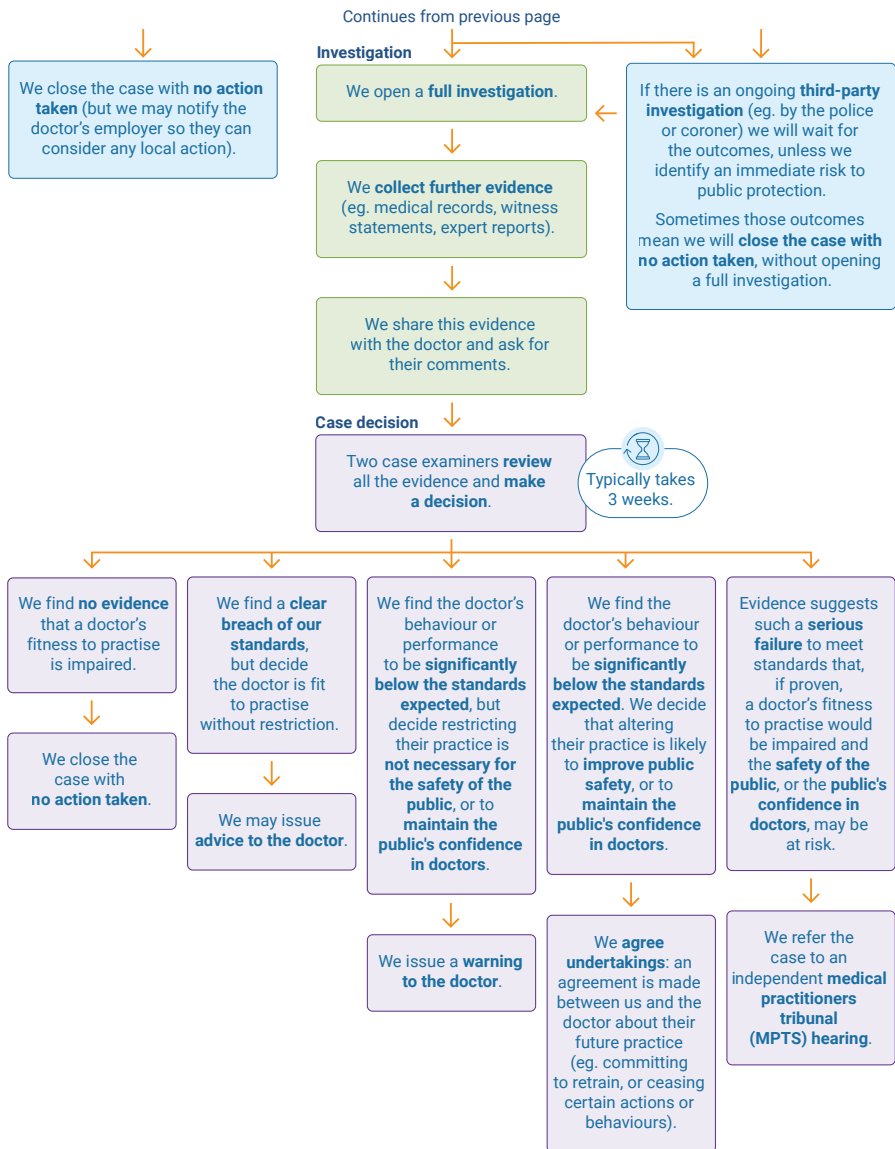
We do not normally investigate concerns about matters that took place more than five years ago, unless we consider that it is in the public interest to do so.

Our fitness to practise process

Key:

-  Triage stage
-  Investigation stage
-  Case decision stage





Legal advice

If someone raises a concern about you with the GMC, you should contact your medical defence organisation straight away. Defence organisations are very familiar with our processes and can offer legal advice and other support if needed. If you are not a member of a defence organisation, you could contact the British Medical Association or another professional organisation of which you are a member. They may not be able to provide legal representation, but they are a good source of expert advice and support.

Alternatively, you can get your own legal advice, at your own expense. Legal aid is not available to doctors being investigated under our procedures and you cannot claim costs from the other parties involved.

Emotional support

We understand the impact that having a concern raised against you can have.

We have a range of support that we can offer, including:

- giving you a call at the start of an investigation (rather than our first point of contact being via post). This is to let you know we are investigating a concern that has been raised, and to outline what will happen next. Further information about our initial call is outlined below in the section 'Informing you of the concerns and your opportunity to comment'.
- to provide you with a single point of contact so you can speak to the same person about your case throughout the process
- making sure specially trained colleagues are available to talk if you need support or guidance during the investigation process.

We have commissioned BMA Wellbeing Support Services to provide dedicated, confidential emotional support to any doctor involved in our fitness to practise procedures. The service is free of charge and you do not need to be a BMA member to access it. You can find out more at www.gmc-uk.org/doctorsupportservice or call the service on **020 7383 6707**.

Informing you of the concerns and your opportunity to comment

When we open an investigation, we will inform you of the concern that's been raised about you and ask for details of your employer(s).

We will give you the opportunity to comment on the concern. You do not have to comment at this stage but, if you do, it may help us to resolve the case more quickly. You can also provide comments at any point during the investigation.

Our professional guidance, *Good medical practice*, states that you must cooperate with formal inquiries, patient safety investigations, and complaints procedures. You must provide all relevant information, and be open and honest.

We will ask your employer(s), normally the responsible officer, if they have any other concerns about your fitness to practise. This is to ensure that we have a better picture of your fitness to practise and also allows us to feed into local clinical governance.

How we conduct our investigation will depend very much on the nature of the concerns raised with us. For instance, the investigation may involve getting:

- further documentary evidence from, for example, your employer or the complainant
- witness statements
- expert reports on clinical matters
- an assessment of your performance
- an assessment of your health
- an assessment of your knowledge of the English language.

Interim orders tribunal

At any stage in our investigation, we can refer you to the Medical Practitioners Tribunal Service (MPTS) for an interim orders tribunal hearing. We can make the referral:

- when we consider it necessary to do so in our commitment to supporting good, safe patient care

- when it is otherwise desirable in the interest of members of the public, and to uphold professional standards of conduct and behaviour
- where it is in the interests of the doctor.

This tribunal can place conditions on your registration whilst we investigate the concerns, or, in the most serious cases, suspend your registration.

The MPTS website provides more information about interim orders tribunals at: www.mpts-uk.org/hearings-and-decisions/hearing-types/How-a-hearing-works-for-doctors/interim-orders-tribunals.

How long will our investigation take?

We will complete our investigation as quickly as we can, but it can take several months if we need to obtain information from other organisations or individuals, or where we need to wait for a third party process to complete. We will keep you, and your defence organisation if you have one, fully informed of our progress.

What happens at the end of our investigation?

At the end of our investigation, two senior GMC staff, known as case examiners (one medical and one non-medical), will review all the evidence collected and decide whether to:

- conclude the case with no further action
- issue you a warning
- agree undertakings with you, or
- refer the case to the MPTS for a hearing.

Except for cases concerning a doctor's health, we will inform you, the complainant or referrer, along with any current employers, of the case examiners' decision and their reasons. Where the case concerns a doctor's health, we will inform you of the case examiners' decision but reasons for their decision will only be given to you. This is because we treat information about a doctor's health as confidential.

Medical Practitioners Tribunal Service

The Medical Practitioners Tribunal Service (MPTS) makes independent decisions about a doctor's fitness to practise. They are operationally separate from the GMC and accountable directly to Parliament.

Medical practitioners tribunals consist of specially trained people, both medical and non-medical, who will hear all the evidence and decide whether your fitness to practise is impaired and, if so, what action may be needed to maintain good, safe patient care.

If we refer a case to the MPTS for a hearing, we will write to you setting out the allegations. It is strongly recommended that you seek advice from a defence organisation or a solicitor. Hearings are held in public, except when they are considering evidence about a doctor's health. The hearings can be held virtually or at the MPTS hearing centre in Manchester.

What happens at the end of a medical practitioners tribunal hearing?

At the end of a hearing, the tribunal may decide that your fitness to practise is not impaired and will either take no action or issue a warning.

If the tribunal finds that your fitness to practise is impaired, they can do one of the following:

- place conditions on your registration so that you are only allowed to do medical work under supervision or so that you are restricted to certain areas of practice
- suspend your name from the medical register so that you cannot practise during the suspension period
- in the most serious cases, remove your name from the medical register so that you cannot work as a doctor in the UK for at least five years
- implement undertakings as agreed between us and you, the doctor, if the tribunal decides that undertakings are sufficient as an alternative to imposing a sanction. The undertakings will be added to your registration record.

Sanctions imposed by a tribunal usually come into effect 28 days after you receive a letter officially informing you of them, unless you appeal against the decision. However, the tribunal can also impose an order for immediate conditions, suspension or erasure if they believe it is necessary.

Where the medical practitioners tribunal suspends or erases you from the register, we will automatically withdraw your licence. Where the medical practitioners tribunal imposes conditions or agrees undertakings which restricts your practice, you will still be entitled to hold a licence but must continue to comply with any conditions or undertakings.

In deciding on the appropriate outcome, the medical practitioners tribunal may take into account any written undertakings you have already made.

Warnings

A warning may be issued where your behaviour or performance has significantly departed from the professional standards set out in *Good medical practice*, but restricting your practice is not necessary. A warning will not be issued if the concerns relate exclusively to your physical or mental health. Receiving a warning does not affect your entitlement to a licence to practise.

A warning can be issued by case examiners, at a medical practitioners tribunal hearing or by the GMC Investigation Committee. The Investigation Committee decides whether a warning should be issued in cases where the case examiners consider that a warning is appropriate, but the doctor has disputed the facts, or requested a hearing of the Investigation Committee.

We publish warnings on [our registers](#). They appear on your status page for a year, and for a further year on your history page - so for two years in total. During this time, we would disclose the warning to anyone asking about your fitness to practise history. We only disclose expired warnings to current employers, and will do so indefinitely.

Undertakings

Undertakings are an agreement between us and you, the doctor, about your future practice. Undertakings may include restrictions on your practice, or a commitment

to practise under medical supervision or to undergo retraining. They allow us to deal effectively with certain types of case without having to refer the matter to an MPTS hearing.

Undertakings can be agreed with you at the end of an investigation.

For more information on undertakings please visit the section on Undertakings on our website: www.gmc-uk.org/concerns/information-for-doctors-under-investigation/our-sanctions/undertakings.

Convictions and decisions by other regulatory bodies

Our rules allow us to deal quickly with doctors who have received a criminal conviction or caution, or who have been subject to a decision by another regulatory body either in the UK or overseas.

We treat convictions, cautions and decisions by other regulatory bodies as proof of an offence. In some cases, particularly when a doctor has received a custodial sentence, we will refer the case directly to an MPTS hearing.

For less serious convictions, such as minor traffic offences resulting in a fixed penalty notice, we conclude the investigation at an early stage and take no further action.

Appeals

You have 28 days in which to appeal to the High Court or Court of Sessions against a decision by a medical practitioners tribunal. The tribunal's decision will not take effect until either the appeal period expires or the appeal is complete. However, the tribunal can impose an immediate order for suspension or conditions if they believe this is necessary to support good, safe patient care, or if it is in your best interests.

Professional Standards Authority

If a decision made by a medical practitioners tribunal is considered not sufficient for maintaining patient safety, the Professional Standards Authority has the power to refer the decision to the High Court or Court of Sessions. The Professional Standards Authority has 40 days to refer a decision following the doctor's 28-day appeal period.

Further information

We have more information for doctors under investigation on our website (www.gmc-uk.org/concerns/information-for-doctors-under-investigation). On this page you will find our guide on how we [investigate concerns](#), and information on how to [find support](#). There are also more detailed guides explaining the meaning of [fitness to practise](#) and our assessments, including [health](#), [performance](#) and [English language](#) assessments.

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I ofyn am y cyhoeddiad hwn mewn fformat neu iaith arall, ffoniwch ni ar **0161 923 6602** neu e-bostiwch ni ar gmc@gmc-uk.org.

You are welcome to contact us in Welsh. We will respond in Welsh, without this causing additional delay.

Mae croeso i chi gysylltu â ni yn Gymraeg. Byddwn yn ymateb yn Gymraeg, heb i hyn achosi oedi ychwanegol.

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