

29 November 2022

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Dear Alan

Fees Regulation Consultation

Thank you for inviting our comment on the Authority's proposals and fees for 2023/2024. Our response is set out below.

Question 1: Do you think that our proposals for our work in 2023/24 are reasonable?

Yes- the Authority's proposed work programme in 2023/24 appears reasonable.

Question 2: Are you aware of any legislative changes for example Section 60 orders you are proposing that will impact on the Authority in 2023/24?

We are now expecting the Order for the regulation of Physician Associates (PAs) and Anaesthesia Associates (AAs) to come into effect in 2024. There will be a period of transition for existing PAs and AAs to be registered and introduced to the new processes. The new legislation will provide a template for how doctors are regulated in future, although there remains uncertainty around DHSC timelines for laying the Medical Professions Order.

Amendments will be made to the Postgraduate Medical Education and Training (PMET) Order and will likely take effect from November 2023, allowing us to introduce new pathways for specialist/GP registration in the future. We do not anticipate implementation of new processes until 2024 at the earliest.

In January 2023, the Secretary of State will start their review of the Brexit standstill arrangements which DHSC has indicated will be published by June 2023. Any legislative amendments to the Medical Act required following the review will be drafted in the second half of 2023. Implementation is therefore likely to follow in 2024. The DHSC has told us that amendments to address gaps for Cross Border working in Ireland will be considered at the same time. Additionally, European Free Trade Association (EFTA) trade deal legislation is being considered by BEIS and DHSC, which will mean amendments to the Medical Act to introduce a general systems registration pathway for these countries, however timelines for this are not yet known.

Finally, we anticipate changes to RO regulations which DHSC estimate for Spring 2023. These changes include addressing gaps identified since the introduction of revalidation in 2012; the reconfiguration within the NHSE in England; and implementation of key recommendations from various reviews and inquiries (such as enhanced governance and information sharing responsibilities).

We also thought it relevant to flag that NHSE Performer List regulations are scheduled for amendment by early 2023.

We would be happy to discuss any of these legislative changes in more detail, if the Authority would find that helpful.

Question 3: Do you think that our assumptions regarding the number of Section 29 cases we will receive are reasonable? Can you provide us with estimates of the number of cases you will conclude during the year ahead?

We weren't clear from the information in the consultation document how the estimate of 2500 cases was reached or what proportion might be attributable to the GMC, so it's difficult to make an assessment on whether they are in line with our own estimates.

We anticipate approximately 250-270 cases to be concluded at tribunal in 2023/2024.

Question 4: Do you think that our assumptions regarding the recovery of costs are reasonable?

Yes, we think that the recovery of costs assumptions are reasonable.

Question 5: Do you agree with our proposed budget?

Yes, we think that overall the proposed budget is reasonable.

Yours sincerely

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