

## The impact of fitness to practise processes on a doctor's revalidation

- 1** This guidance describes how we make decisions about a doctor's revalidation, if they are subject to our fitness to practise processes. This guidance aims to ensure consistency, fairness, and proportionality in our approach to making decisions in this area, and should be read in conjunction with the [principles which apply to decision making](#) in relation to registration and revalidation.
- 2** [Information for doctors who have been referred into our fitness to practise procedures](#) is available on our website.

### Revalidation and fitness to practise

- 3** If a doctor is subject to our fitness to practise processes we may decide to delay notifying a doctor of their submission date, or defer making a decision about their revalidation. However, the doctor should continue to engage with revalidation in line with [our statutory guidance](#) while they remain licensed<sup>1</sup>, unless they have a [reasonable excuse](#) for being unable to do so (such as ill-health).
- 4** [The GMC \(Licence to Practise and Revalidation\) Regulations 2012 \(as amended\)](#) (referred to in this document as 'the Regulations') state that we are not required to give a doctor notice of a revalidation submission date if they are subject to fitness to practise proceedings and the Registrar does not consider it is possible to evaluate their fitness to practise while they are subject to those proceedings.<sup>2</sup>
- 5** If a doctor has already received notice of a submission date the regulations allow us to cancel that date, or if the date has passed to defer taking any further steps in relation to the doctor's revalidation until the Registrar considers it reasonable to do so.<sup>3</sup> So, we can delay making a decision about the doctor's revalidation, even if we have received a recommendation about that doctor.

<sup>1</sup> A doctor who is suspended from the register is treated as not being registered for the purposes of revalidation and unregistered doctors are not required to revalidate (Medical Act 1983 (s35E(3))).

<sup>2</sup> Regulation 6(2)(b).

<sup>3</sup> Regulation 6(15).

- 6** Our fitness to practise processes only impact on a doctor's revalidation where there is an open investigation or enquiry.

### An open investigation

- 7** Where a doctor is subject to an open fitness to practise investigation it is unlikely that we could evaluate their fitness to practise and, other than in exceptional circumstances, we will:
- a** delay issuing the doctor with notice of a submission date until the final outcome of the fitness to practise investigation is known. For doctors without a connection we will continue to issue notice of the date when they must submit an annual return, but will delay issuing notice of the need to undergo the revalidation assessment;
  - b** prevent the Responsible Officer (RO)<sup>4</sup> from being able to submit a recommendation for the doctor until the final outcome of the investigation is known;<sup>5</sup>
  - c** if the doctor's RO informs us that, despite being able to do so, the doctor is not engaging with revalidation, issue notice of their submission date to allow the RO to make a recommendation of non-engagement. We would continue the process of withdrawing the doctor's licence, unless there were exceptional circumstances;
  - d** defer making any decision to revalidate the doctor until the outcome of the investigation is known.

### An open enquiry

- 8** If there is an open enquiry about a doctor's fitness to practise it is unlikely that we could evaluate their fitness to practise and, other than in exceptional circumstances, we will:
- a** continue to issue the doctor with notice of their submission date. For doctors without a connection, continue to issue notice of the date when they must submit an annual return and of the need to undergo the revalidation assessment (if applicable),
  - b** continue to receive recommendations about their revalidation, and annual returns for doctors without a connection,
  - c** continue to process any recommendations to defer or of non-engagement,
  - d** defer making any decision to revalidate the doctor until the outcome is known.

<sup>4</sup> Where we refer to an RO in this guidance this also applies to a Suitable Person.

<sup>5</sup> For doctors without a connection we would expect the doctor to continue to submit annual returns.

## Impact of the outcomes of fitness to practise processes

- 9** Our fitness to practise processes conclude with a range of outcomes. The impact on a doctor's revalidation will depend on the outcome and these are described below.

### No impairment

- 10** If fitness to practise proceedings conclude a doctor is not impaired, the doctor's revalidation would proceed as usual.

### Warnings

- 11** Warnings do not prevent a doctor from holding a licence to practise and do not place any restrictions on their registration. A warning has no impact on a doctor engaging with revalidation and meeting the revalidation requirements and as such their revalidation would proceed as usual.

### Impaired but no sanction imposed

- 12** If a doctor's fitness to practise is found to be impaired by a fitness to practise panel, but no sanction is applied, this has no impact on a doctor meeting the revalidation requirements and the doctor's revalidation would proceed as usual.

### Conditions imposed or undertakings agreed

- 13** Conditions or undertakings on a doctor's registration do not prevent the doctor from revalidating as long as they continue to comply with them.<sup>6</sup> When making a recommendation to revalidate the RO is asked to confirm that they are satisfied the doctor is complying with any effective conditions or undertakings attached to their registration.
- 14** A doctor's revalidation would be unaffected unless we were informed that they had breached their conditions or undertakings. In the case of a breach, other than in exceptional circumstances, we would follow the guidance at paragraph 7, until the final outcome is known.

### Erasure or suspension

- 15** If the outcome is that a doctor's name is erased or suspended from the medical register, their licence would be withdrawn at the same time so they cannot revalidate.<sup>7</sup> They can only revalidate if and when they are restored to the register. Unless the doctor requests

<sup>6</sup> The only exception to this is if the undertaking states not to work in any post that requires a GMC licence to practise. When this condition is in place, we will defer making any decision to revalidate the doctor until the condition is removed.

<sup>7</sup> Where a doctor's registration is erased or suspended, their licence is automatically withdrawn (Medical Act, section 41C).

otherwise, their licence will be restored at the same time that their name is restored to the register.

### Appealing a fitness to practise outcome

- 16** If a doctor appeals the outcome of a fitness to practise investigation the tribunal's order would not take effect and the doctor should be able to practise and to engage with revalidation.<sup>8</sup> We would treat the doctor's revalidation in the same way as we do during an open investigation and continue not to accept recommendations about the doctor, and to defer making any decision to revalidate the doctor, until an appeal period has expired, or any appeal brought has concluded.
- 17** If a tribunal imposes an immediate suspension order this would take effect immediately until the appeal is concluded, and the doctor would not be required to revalidate during that time.
- 18** If the tribunal imposes an immediate order for conditional registration to cover an appeal against a substantive order for conditions, the doctor should be able to engage with revalidation as usual, as long as they continue to comply with these conditions.
- 19** If the GMC appeals the outcome of a fitness to practise investigation where the tribunal determines the doctor is not impaired, this has no impact on a doctor meeting the revalidation requirements. The doctor will be given a new date and the doctor's revalidation would proceed as usual.

### Licence withdrawal and fitness to practise

- 20** If a doctor fails, without a reasonable excuse, to meet the revalidation requirements we will consider withdrawing a doctor's licence to practise. Our [guidance](#) explains that a doctor being subject to a GMC fitness to practise process, in and of itself, is not a reasonable excuse.
- 21** We will continue with the licence withdrawal process whilst a doctor is subject to fitness to practise proceedings. [We have guidance on considering whether to withdraw a doctor's licence to practise.](#)
- 22** If a tribunal suspends a doctor, either as an interim order or as an outcome of a fitness to practise proceeding, we will pause on the licence withdrawal process until the suspension ends. This is because the doctor will not have a licence to practise and they will not be required to engage with revalidation for the duration of the suspension.

<sup>8</sup> Doctors have 28 days to appeal against a sanction issued by a Medical Practitioners Tribunal. We may also appeal a decision within 28 days of notification of the decision. The Professional Standards Authority (PSA) can refer a decision to the High Court or Court of Sessions within 28 days, following the doctor's 28 day appeal period.

- 23** Once a suspension ends, and the doctor has a licence to practise, we will decide whether to restart the licence withdrawal process or whether to set a new revalidation date. We will consider the following:
- a** Was the total suspension of a short duration so that the previous lack of engagement with revalidation is still relevant?
  - b** Has the doctor presented any evidence or information to a hearing about their engagement with revalidation or about the reasons why they have not been able to do this?
  - c** Does the doctor have a [reasonable excuse for failing to meet the requirements for revalidation](#)?
- 24** If we decide to restart the licence withdrawal process, the following will happen:
- a** Where a doctor has not yet appealed a decision to withdraw a licence to practise, we will reissue the last notice we sent and continue the process from that point. The doctor will have 28 days to respond and to take action.
  - b** Where there is an ongoing appeal against a decision to withdraw a licence to practise, the Case Manager will inform both parties of the next step.
- 25** The stages of a licence withdrawal process include the following:
- a** We have issued a notice that we were considering their licence to practise under regulation 4 (4) of the Regulations **or**
  - b** We have issued a notice that an Assistant Registrar has made a decision to withdraw the licence to practise **or**
  - c** There is an ongoing appeal against a decision to withdraw a licence.

## A doctor's revalidation date

- 26** Once the outcome of a fitness to practise process is known, and if the doctor remains registered with a licence, the following will happen if a doctor is not in a licence withdrawal process:
- a** A doctor will keep their revalidation date if their revalidation date is more than 121 days in the future
  - b** A doctor will get a new revalidation date in 12 months if their revalidation date is in the past or is less than 121 days in the future

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