

# Overview of the General Medical Council's fitness to practise investigation procedure

*Whilst not every case will follow each of these steps, this guide provides an overview of the GMC's fitness to practise procedures.*

## **Step 1: Self-referral / notification of a concern**

In accordance with paragraph 75 of the GMC's Good Medical Practice, a doctor must promptly notify the GMC if anywhere in the world they have:

- accepted a caution from the police or been criticised by an official inquiry;
- been charged with or found guilty of a criminal offence;
- another professional body has made a finding against their registration as a result of fitness to practise procedures.

Paragraph 76 of Good Medical Practice states:

*'If you are suspended by an organisation from a medical post, or have restrictions placed on your practice, you must, without delay, inform any other organisations you carry out medical work for and any patient you see independently.'*

Upon receipt of information about a doctor, the GMC will review the matters raised to see if there are issues which require investigation.

The types of concerns the GMC may investigate are as follows:

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

## ***Step 2: Notification to the doctor***

The GMC will notify the doctor concerned that a complaint has been made about them. The GMC will also request details of the doctor's employer.

It is not a requirement for the doctor to comment on the concerns at this stage, but it is advisable that the doctor seeks advice from solicitors and / or their medical defence organisation.

## ***Step 3: Interim Orders Panel***

The adjudication of cases is dealt with by the Medical Practitioners Tribunal Service (MPTS).

At any stage during the investigation, if the GMC is of the view that the doctor's registration should be subject to interim restriction, it can refer them to the MPTS for an independent hearing before an Interim Orders Panel.

In accordance with section 41A of the Medical Act 1983, where satisfied that it is 'necessary for the protection of members of the public or is otherwise in the public interest, or is in the interests of a fully registered person' the Interim Orders Panel can suspend or make a doctor's registration subject to conditions for a period not exceeding 18 months. These orders are subject to review.

## ***Step 4: Investigation of allegations***

The steps the GMC will take to investigate concerns will be dependent on the circumstances but may include the obtaining of documentary evidence or statements from employers or the complainant, obtaining an expert report or commissioning an assessment of the doctor's performance, health and/or knowledge of the English language.

## ***Step 5: Notification and response to the allegation***

The Registrar will write to the doctor providing them with the documentation in support of the allegation and to inform them of the allegation. The doctor will be given a 28 day period to respond. In accordance with paragraph 23a of Good Medical Practice, doctors must co-operate with investigations.

## ***Step 6: Consideration by Case Examiners***

The matter will be referred to the case examiners. Each matter is considered by two case examiners; one medical and one lay. They will decide whether to:

- conclude the case with no further action;
- issue a warning;
- agree undertakings with the doctor; or
- refer the case to the MPTS for a fitness to practise hearing.

If the case examiners are not unanimous in their decision about whether to close a case or refer it to the MPTS, the case will then be considered by the Investigation Committee.

If the case examiners or the Investigation Committee decide that the doctor's fitness to practise is not currently impaired, but they were in breach of Good Medical Practice and / or other guidance, they can issue the doctor with a warning.

## **Step 7: Referral to the Medical Practitioners Tribunal Service**

If the case is referred to the MPTS for a hearing, the GMC will invite the doctor to take part in its pre-hearing processes during which the timetable for disclosure is set, any preliminary matters are discussed and a listing window for the hearing is found.

An MPTS panel, made up of lay and medical members, will hear all the evidence and decide whether the doctor's fitness to practise is impaired. If the panel decides the doctor's fitness to practise is not impaired, they may invite submissions on whether a warning is appropriate. If the panel decides that the doctor's fitness to practise is impaired they can:

- impose conditions on the doctor's registration;
- suspend the doctor's registration;
- erase the doctor from the medical register.

## **Step 8: Post hearing**

Conditions or suspension will usually come into effect 28 days after the hearing, unless the panel imposed an interim order.

A doctor has 28 days in which to appeal to the High Court or Court of Sessions (Scotland) against any sanction issued by a panel.

## **Contact us**

Our [professional discipline team](#) have a wealth of experience in defending doctors in GMC proceedings. For more information, visit our [Defending Doctors Blog](#) or contact Julie Norris.



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