

## **Medical Protection Society (MPS) submission to Professional Standards Authority (PSA) performance review of General Medical Council (GMC)**

Submitted online on 13 August 2021 at:

<https://www.professionalstandards.org.uk/share-your-experience/share-your-experience-of-regulators>

### **Text of submission in full:**

Thank you for inviting the Medical Protection Society (MPS) to respond to the Professional Standards Authority (PSA) review of the of the General Medical Council's (GMC's) performance in the past 12 months. We have set out our comments below.

### **Responding to the pandemic**

Last year, the GMC faced unprecedented challenges in the wake of Covid-19 pandemic. The pandemic has brought both challenges and opportunities and we have seen the GMC adapt to the new circumstances.

We raised significant concerns about the prospect of complaints against doctors that might arise during this time and we called on the GMC to acknowledge the exceptional circumstances of the pandemic and issue some reassurance to doctors. We welcomed the publication of the GMC staff guidance setting out how to take this context into account when considering complaints. The guidance must however stand the test of time as it could be some time – potentially years - before such investigations are handled and we remain concerned that by this point memories of this difficult time may have faded

The way in which the GMC re-registered a large number of previously retired doctors appears to have been successful. We have worked with the GMC during this time and MPS was happy to offer free membership benefits to former members who decided to return to practice.

One of our major concerns throughout the pandemic has been the impact on doctors' wellbeing. The scale of this impact was clear in the most recent GMC national training survey, we can see an increase in burnout which is preoccupying for the future of the profession, and it is vital that doctors feel supported in the months and years ahead.

### **Professional regulation reform**

2021 has been marked by the consultation by the UK government on *Regulating healthcare professionals, protecting the public*, to which we responded in June. We have long argued for the need of reform and we welcomed the Department of Health and Social Care (DHSC) consultation. Following the implementation of these reforms, we would hope to see a change a reduction on the number of GMC investigations into less serious allegations, as well as more effective and faster resolution of investigations.

If the DHSC keep to the proposed timescales for reforming the Medical Act, 2022, it will be a year of significant change for the GMC. Not only will the GMC be asked to take on the regulation of Physician Associates and Anaesthesia Associates, amendments to the Act

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would enable very significant changes to the way in which it regulates. It will be important that they are supported in ensuring a smooth transition but also that there is effective scrutiny of how they use these new powers.

### **Fitness to Practice (FtP)**

Without question, the GMC's FtP function is what causes MPS members the most concern. FtP proceedings can have career altering implications for doctors, as well as adverse effects on their health.

On an individual case-by-case basis, this year – as every year – has seen us having to raise some concerns directly with the GMC, about their handling of specific cases. However, we very much value the direct lines of communication we have with senior officials in the FtP division – specifically Anthony Omo (Director of FtP), Anna Rowland (Assistant Director of Policy), Amanda Downing (Head of Policy and Planning), Joanna Farrell (Assistant Director of Investigations) and Oliver Clark (Strategic Relationships Officer) – who are always constructive and helpful in finding resolution to specific points of concern.

More broadly, we remain deeply concerned, and increasingly frustrated, that the GMC maintains the right of appeal over FtP determinations of the Medical Practitioners Tribunal.

As the PSA knows, we coordinated a joint letter earlier in the year asking the government to act on the recommendations from the GMC's independent review into Gross Negligence manslaughter and culpable homicide – led by Leslie Hamilton-; as well as the Gross negligence manslaughter in healthcare Review – led by Sir Norman Williams- and remove the GMC power to appeal decisions made by the Medical Practitioners Tribunal Service (MPTS).

Following our letter, the Government reiterated its intention to remove the GMC power, following its consultation on *Regulating healthcare professionals, protecting the public*, although no specific question about this issue was part of the consultation.

On a different note, we welcome the GMC's commitment to tackling persistent inequality issues and making it part of their corporate strategy for 2021-25. While we welcome their aim to eliminate disproportionate FtP referrals from employers in relation to ethnicity, we are mindful of the outcome of Dr Karim's case which the GMC will be appealing as the outcome of such appeal will be of great importance to our members. Inclusive working and training environments are also crucial to doctors' wellbeing and to safe patient care.

MPS, as a membership organisation, will always remain a constructive but critical stakeholder of the GMC. It is vital that the regulator always looks to how it can improve.

If MPS can be of any further assistance to the PSA in its review of the GMC's performance, or in any other matter, then please do not hesitate to contact us.

*ENDS*