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Dear Claire

Reform of the fitness to practise procedures at the GMC – changes to the way we deal with cases at the end of an investigation – a paper for consultation

I write on behalf of the Board of the Office of the Health Professions Adjudicator (OHPA), in response to the above consultation.

The Board welcome the proposals contained within the consultation paper, which broadly align with the approach OHPA had aspired to adopt. With the exception of serious matters or offences described in the consultation, the OHPA Board firmly believe that a more proportionate and timely process better serves public protection.

OHPA was working toward provisions within its initial (day one) rules for pre-hearing discussions and case management, and for the acceptance of agreements reached at such meetings on papers, without further recourse to a public hearing. To this end, we were also considering carving written impact or 'victim' statements into the process, to provide better assurance to those affected and maintaining transparency in the decision-making. OHPA believes this may be worthy of further consideration by the GMC.

Rather than comment upon each consultation question in detail, the OHPA Board will restrict itself to two further comments.

Firstly, and building upon the point of public assurance, the consultation makes no reference to doctors who, during an investigation, are based abroad or abscond to a country outside of the direct jurisdiction of the GMC.

And secondly, again on a matter of public assurance, should a doctor hold a dual or multi-registration (i.e. concurrently appears on the register of more than one health professional regulator) that the other regulator(s) be informed of the proceedings, and if relevant, invited to participate in the discussions. Whilst we acknowledge that this affects an extremely small proportion of health professionals, it would avoid claims of professional protectionism. Since the regulators do not enjoy harmonised sanctions there exists a very real potential for an individual to be dealt with in two differing ways and receiving two differing outcomes.

We would be happy to discuss this response further.

Yours sincerely

Wendy Harris
Policy Director, signing on behalf of the OHPA Board