

## Newsletter Issue 1, June 2023

### 19 healthcare leaders urge Government to strip GMC of power to appeal fitness to practise decisions

BIDA has joined a group of 18 leading healthcare organisations to urge the Government to deliver on its 2018 commitment to strip the General Medical Council (GMC) of its power to appeal Medical Practitioners Tribunal Service (MPTS) decisions before the end of this parliament, as an FOI request reveals the GMC has challenged 24 decisions since 2018.

It is now five years since the Government accepted in full the recommendations of the Williams review into gross negligence manslaughter in healthcare, following the case of Dr Bawa-Garba. This included the central recommendation that the GMC should have its right to appeal fitness to practise decisions removed, through removal of section 40A of the Medical Act 1983, to address the mistrust of the GMC and contribute to cultivating a culture of openness that is central to delivering improved patient safety.

The review said public protection would be maintained, with the Professional Standards Authority (PSA) retaining its near identical right of appeal to MPTS decisions.

In July 2022, the Government said it would progress legislation to remove the GMC's power to appeal in 2023, alongside legislation that will bring physician associates (PAs) and anaesthesia associates (AA's) into statutory regulation. However while the government has now consulted on draft legislation to bring these professions into regulation, it is unclear when the Government will progress with the removal of the GMC's right of appeal.

The letter to the Health Secretary calling for section 40A of the Medical Act 1983 to be removed before the end of this parliament, was signed by Medical Protection Society, British Medical Association, The Doctors' Association UK, Royal College of General Practitioners, Royal College of Physicians, Royal College of Emergency Medicine, British Association of Physicians of Indian Origin, Association of Anaesthetists, Hospital Consultants and Specialists Association, Royal College of Anaesthetists, Medical Women's Federation, Royal College of Surgeons of England, Royal College of Obstetricians and Gynaecologists, Royal College of Physicians of Edinburgh, British International Doctors Association, Royal College of Paediatrics and Child Health, Royal College of Physicians & Surgeons of Glasgow, Royal College of Surgeons Edinburgh and Royal College of Pathologists.



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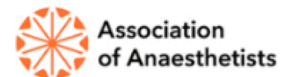
Professor Dame Jane Dacre, President at the Medical Protection Society who coordinated the letter, commented:

*"This month marks five years since the Government first committed to removing the GMC's power to appeal fitness to practise tribunal decisions. During that time the GMC has challenged 24 decisions. The delay is disappointing and frustrating and doctors will have this hanging over their heads until the relevant changes are made to the Medical Act."*

*"The GMC's power to appeal has generated distrust between the medical profession and the regulator and has contributed to a culture of fear. Fitness to practise proceedings are stressful and lengthy enough for those involved, without the additional worry that the GMC can seek to override the decision made by the MPTS if it does not agree. This is and has long been the PSA's job."*

*"The added concern now is that when PAs and AAs are brought into statutory regulation, the GMC will not be able to appeal panel decisions relating to their fitness to practise, but they may still be able to challenge decisions on doctors' cases - parity is key."*

**"19 leading healthcare organisations have signed this letter – the strength of feeling on this issue and the ongoing delays is clear. This important change must not fall behind."**



Stay united,

Amit Sinha

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