

Guidance for Medical Practitioners Tribunals on dealing with concerns about a doctor's knowledge of English

Introduction

- 1** A doctor's fitness to practise may be found to be impaired by reason of not having the necessary knowledge of English to practise medicine safely. This guidance aims to help Medical Practitioners Tribunals decide how to deal with cases involving concerns about a doctor's knowledge of English. It is intended to support consistent and fair decision making in relevant cases.
- 2** Firstly, it sets out how Medical Practitioners Tribunals should deal with referrals due to concerns about a doctor's knowledge of English. It also sets out the factors which Medical Practitioners Tribunals should take into account when considering whether or not they should direct a doctor to undertake an English language assessment.
- 3** The test we use for language assessments is the academic version of the International English Language Testing System (IELTS). Doctors can access this by making arrangements with test centres authorised by the British Council in the UK or overseas. The cost of language assessments undertaken as a requirement of a fitness to practise process is met by the GMC and doctors are expected to comply within a maximum of 90 days.

Referrals due to concerns about a doctor's knowledge of English

- 4** Where a doctor is referred to a Medical Practitioners Tribunal hearing due to concerns about their knowledge of English, a range of evidence may be presented to inform a decision on impairment. The primary factor for consideration in such cases is the outcome of any IELTS assessment which the doctor has recently undertaken. Doctors may also voluntarily complete the IELTS test to provide evidence of their knowledge of English.

- 5** The results of the IELTS test are the key factor in deciding if a doctor is impaired due to concerns that they lack the necessary knowledge of English to practise medicine safely. The test has four parts – listening, reading, writing and speaking – and for each skill, a band score of up to 9 will be awarded. The overall score will be calculated using the average score given to each skill, for which a maximum of 9 is achievable. To practise medicine safely, a doctor is expected to achieve a score of at least 7 in each of the four parts, and an overall score of at least 7.5.
- 6** If the doctor has completed the IELTS test within the last two years and their results are above the minimum scores, this is evidence that their fitness to practise is not impaired by reason of their lack of the necessary knowledge of English. If the doctor completed the IELTS test within the last two years and their results are below the minimum acceptable scores, this is usually evidence that their fitness to practise is impaired by reason of not having the necessary knowledge of English.
- 7** In almost all cases, where a doctor fails to achieve the minimum acceptable IELTS score (7.5), it will result in a finding of impairment. However, there may be exceptional circumstances to justify the tribunal in making a finding that the doctor’s fitness to practise is not impaired.
- 8** If the tribunal makes a finding that the doctor’s fitness to practise is not impaired in these circumstances, the determination must fully and clearly explain:

 - a** what the exceptional circumstances are
 - b** why the circumstances are exceptional
 - c** how the exceptional circumstances justify the finding that the doctor’s fitness to practice is not impaired.
- 9** Before considering whether to make a finding of no impairment based on there being exceptional circumstances, the tribunal may wish to consider whether it is appropriate to direct a further IELTS test to provide objective evidence of whether the doctor’s fitness to practise is impaired (see paragraph [19] below).
- 10** If the Tribunal makes a finding of impairment due to a doctor not having the necessary knowledge of English, it will need to consider whether it is necessary or desirable to take action on a doctor’s registration. Where a doctor is found impaired solely on grounds of that they do not have the necessary knowledge of English (or where such a finding is combined with a finding of impairment due to ill health) the doctor cannot be erased from the medical register.

Referrals due to a doctor's failure to comply with a direction to undertake a language assessment

- 11 Where there are concerns about a doctor's knowledge of English, a direction may be issued to complete a language assessment during a fitness to practise investigation. If, without good reason, the doctor fails to complete the language assessment within the specified time period, the Tribunal may take appropriate action to address their non-compliance.
- 12 In such cases, the Tribunal should have reference to the [*Non-compliance hearings guidance for medical practitioners tribunals*](#).

Directing a language assessment – factors for consideration

- 13 Medical Practitioners Tribunals have the power to direct a doctor to undergo a language assessment, where they consider it appropriate to do so.
- 14 This section provides guidance on the factors which may be taken into consideration by a Medical Practitioners Tribunal when determining whether or not to direct a language assessment.

Concerns arising during a hearing

- 15 There may be situations where concerns about a doctor's knowledge of English arise during direct interaction with a doctor, for example, at a Medical Practitioners Tribunal hearing. Medical Practitioners Tribunals may wish to take these factors into account and should exercise their discretion when deciding if it is necessary to direct a doctor to complete a language assessment.
- 16 Matters which are likely to give cause for concern about a doctor's knowledge of English include:
 - i a doctor requesting or using an interpreter during a hearing, meeting or telephone conversation with us,
 - ii a self-declaration by a doctor that suggests their knowledge may be limited or
 - iii where there is other good reason to believe the doctor has serious difficulty in communicating with or understanding others.
- 17 The tribunal may also find it helpful to refer to the guidance used by case examiners to decide whether it is appropriate to direct a language assessment during an investigation. The guidance for case examiners on directing doctors to undertake a language assessment is published on the GMC website.

18 It may also be appropriate for the tribunal to consider directing a further language assessment, where it is considering the question of impairment, as set out at paragraphs [6 to 8] above. A further IELTS test may be appropriate where the doctor has completed an IELTS test and has not achieved the minimum scores required by the GMC, but the tribunal considers that a further test is necessary to provide them with evidence of current impairment. For example, where the doctor submits alternative evidence about their knowledge of English relating to the period since they took the IELTS test.

Health concerns

19 When assessing information which relates to concerns about a doctor's knowledge of English, the tribunal should consider whether or not there is any evidence to suggest an underlying health concern. A perceived deterioration in, or lack of knowledge of, English language may be symptomatic of an undiagnosed health condition or the deterioration of a diagnosed health condition. Health concerns which may impact on a doctor's communication skills include neurodegenerative disorders and acquired brain injuries from either a traumatic or non-traumatic event.

Where the tribunal has good reason based on specific evidence to indicate that health may be an underlying cause of concern about a doctor's knowledge of English they should consider whether a health assessment may be appropriate. If a health assessment is directed in these circumstances the health examiners will be asked to comment on whether any medical condition is likely to impact on the doctor's communication skills. In such cases, careful thought should be given to delaying a decision on whether it is necessary to direct a language assessment until further information is available about the doctor's health.

14 July, 2016