

To: Tribunal Members
Legal Assessors

Copy: Tribunal Clerks

Date: 19 February 2018

Seventh floor
St James's Buildings
79 Oxford Street
Manchester M1 6FQ

Email: enquiries@mpts-uk.org
Website: www.mpts-uk.org
Telephone: 0161 923 6263
Fax: 0161 240 7199

Changes to the Publication and Disclosure Policy

From 26 February 2018, the GMC is introducing time limits for how long historical sanctions and undertakings on a doctor's registration are published on the medical register. At present, all sanctions and undertakings (excluding warnings) are published and disclosed indefinitely, both while they are in force and after they have expired. The time limits will vary according to the action taken, whether the doctor remains registered, and whether the fitness to practise issues relate solely to the doctor's health. A list of the time limits is available in annex A.

The GMC will also move to a new publication limit of two years for warnings – one year on the 'Doctor details' page and one year on the 'history' page of the doctor's record. This will not be applied retrospectively. They will continue to disclose warnings to current employers indefinitely.

They are also introducing a recent investigation stage decisions page on the GMC website. The new website page applies to decisions made after 26 February 2018 and will include the date of the decision, the action taken and a link to the medical register. This would only include cases where action has been taken and will not contain any more information than is published on the doctor's record on the medical register. It will not include cases where action is taken solely as a result of concerns about a doctor's health. Decisions will remain on the page for 12 months, as is the case with the MPTS decisions and Investigation Committee decisions pages.

After the time limit has expired, the GMC won't publish information or disclose it to general enquirers. They will continue to disclose historical information indefinitely to current employers when they request it. The GMC will also retain the discretion to publish or disclose any information where they consider it to be in the public interest to do so.

Because erasure is the most serious of all sanctions, where a doctor has been erased for fitness to practise reasons and has subsequently been restored to the

register, details of the erasure will remain on their record indefinitely.

Since September 2017, the GMC has been providing an explanation of decisions where a doctor agrees undertakings without a tribunal as part of the doctor's record on the medical register. This is to make clear what undertakings are and why the GMC has reached this decision. Summaries are not published for cases which are solely related to health. A summary of any future variation to undertakings will also be published.

The aim of this change is to increase the transparency of decision making and demonstrate the reasons why the GMC has dealt with a case in this way. There will be a ten year time limit on the publication of historical undertakings (five years if a doctor leaves the register). Where undertakings have been agreed solely for health reasons, they will be removed from publication as soon as they are lifted.

These changes follow the conclusion of the GMC's public consultation on proposals to improve and strengthen the policy in place regarding the publication and disclosure of investigation outcomes. The GMC wanted to make sure the policy meets its commitment to transparency about processes and decisions, while also allowing them to be proportionate when displaying this information online or sharing it with those who request it.

Kind regards

Tribunal Development Section
0161 240 7292

Tribunaldevelopmentsection@mpts-uk.org

Annex A –Summary of time limits

The time limits for substantive sanctions are as follows:

Table 1: Doctors not currently registered

Sanction	Time limit
Doctor was erased from the medical register by a medical practitioners tribunal	10 years from the date of erasure
Doctor received suspension or conditions, or agreed undertakings	5 years from the date the doctor left the register (subject to relevant 10 and 15 year maximum periods – see Table 2)
Doctor received a finding of impaired fitness to practise but no sanction was imposed or undertakings agreed	1 year from the date the doctor left the register (subject to 5 year maximum period – see Table 2)
Doctor received suspension or conditions, or agreed undertakings, solely on the grounds of health	1 year from the date the doctor left the register (subject to the sanction still being active at that point)

Table 2: Registered doctors – action taken for reasons other than solely on the grounds of adverse physical or mental health

Sanction	Time limit
Doctor was erased from the medical register by medical practitioners tribunal and subsequently restored to register	As long as the doctor is registered with the GMC plus 5 years if they leave
Doctor received a suspension of more than 3 months	15 years from the date the suspension expires
Doctor received a suspension of 3 months or less, or conditions, or agreed undertakings	10 years from the date the sanction expires or is revoked
Doctor received a finding of impaired fitness to practise but no sanction was imposed or undertakings agreed	5 years from the date of the end of the MPTS hearing

Table 3: Registered doctors – action taken solely on the grounds of adverse physical or mental health

Sanction	Time limit
Doctor received suspension or conditions, or agreed undertakings, because of impaired fitness to practise solely on the grounds of health	Remove from publication as soon as sanction expires/is revoked
Doctor received impairment finding solely on the grounds of health but no sanction was imposed or undertakings agreed	No publication on the online register