

This is the public version of the circular issued on 28 April 2014. All guidance to panellists is included below; only internal or administrative matters have been redacted.



Panellist Circular

28 April 2014

To: Fitness to Practise Panellists
Interim Orders Panellists

Copy: Panel Secretaries
Legal Assessors

Medical Practitioners Tribunal Service
Seventh floor, St James's Buildings
79 Oxford Street
Manchester M1 6FQ

Tel: 0161 923 6263

Fax: 0161 240 7199

Email: enquiries@mpts-uk.org

Post sanction assessments, knowledge of English and changes to the conditions and undertakings banks

Post sanction assessments

The General Medical Council is going to commence a pilot of post sanction assessments.

The pilot will initially focus on clinical cases which meet at least one of the following criteria:

- the doctor has been found impaired on the grounds of performance (at a fitness to practise panel), which has resulted in undertakings being agreed or conditions being imposed
- the doctor has performance related undertakings, agreed with the case examiner
- the doctor previously had a performance assessment (either during the investigation stages, or during monitoring by the Case Review Team)
- the doctor has a condition or undertaking in place to have an assessment of their performance
- the doctor has been suspended on the grounds of performance for a period(s) totalling 12 months or more (to allow time for an assessment to take place).

The conditions and undertakings banks have been updated and include a condition that panels may wish to use where they decide that the doctor should have an assessment of their performance.

Conditions and undertakings banks

With effect from 29 April 2014, there will be changes to the conditions and undertakings banks. In addition to the changes relating to performance assessments as indicated above, references to 'post graduate deans' will be replaced with 'responsible officer'

The MPTS makes impartial decisions in doctors' fitness to practise hearings. The MPTS is part of the General Medical Council, but it is operationally separate and it is accountable to Parliament.

Knowledge of English

Over the next few months, changes will be introduced to ensure that doctors have the necessary knowledge of English to practise safely in the UK. Some of these changes will directly impact on fitness to practise processes.

From 29 April 2014, there will be a new category of impairment- 'not having the necessary knowledge of English'.

In cases where the concerns about a doctor relate solely to their knowledge of English (or English and Health) the most serious sanction available is indefinite suspension. The power to impose this sanction comes into force on 29 April 2014 also.

The Medical Act 1983 will be amended on this date to reflect this change and you can access the amended version here http://www.gmc-uk.org/about/legislation/medical_act.asp. Good Medical Practice will also be amended to reflect the changes from this date and the revised version can be accessed here http://www.gmc-uk.org/guidance/good_medical_practice.asp.

The test that will be used to assess a doctor's knowledge of English is the academic version of the International English Language Testing System (IELTS). IELTS tests all four language skills- listening, reading, writing and speaking. Scores range from 1 to 9. From 18 June 2014, the accepted scores will be a score of at least 7 in each of the four areas tested and an overall score of at least 7.5.

From 25 June 2014, there will be a new power to direct a language assessment. Panels will be able to direct a language assessment where they have serious concerns about a doctor's knowledge of English.

The General Medical Council (Fitness to Practise Rules) 2004 will be amended in June and guidance for panels will also be issued at that time. Full training on these changes will be provided at annual training this year.

Kind Regards

Panel Development Team
Tel: 0161 240 7292
pandevteam@mpts-uk.org