



# PROFESSIONAL SUPPORT GUIDE

## UNDERSTANDING THE GMC'S INVESTIGATION PROCESS

This guide explains the GMC's investigation process, **outlining** key stages, regulatory procedures, and potential outcomes for **healthcare professionals**.

## PROFESSIONAL SUPPORT GUIDE

# GMC INVESTIGATION PROCESS

### Understanding the GMC's investigation process

Doctors and healthcare professionals referred to the GMC often face stressful and uncertain situations that can affect both their professional and personal lives. Concerns relating to Fitness to Practise, Patient Safety and Professional Conduct can lead to lengthy investigations and formal proceedings.

Understanding each stage of the process can help reduce confusion and allow doctors to make informed decisions. MDS has created this simple guide outlining the key stages of a GMC investigation and the support available throughout.

#### What is covered

What triggers a GMC investigation?

Initial assessment stage

Fitness to Practise investigations

Possible outcomes and hearings



# A DOCTOR'S FITNESS TO PRACTICE

The GMC, the regulatory body for doctors in the UK, conducts a formal investigation process into a doctor's fitness to practise if certain concerns are raised.



## THESE CONCERNS TYPICALLY FALL INTO FOUR MAIN CATEGORIES:

- **Professional Misconduct:** This includes issues such as dishonesty, inappropriate behaviour, or sexual misconduct.
- **Clinical Competence:** This covers serious mistakes or repeated instances of substandard patient care.
- **Health Issues:** This relates to physical or mental health conditions that could potentially compromise a doctor's safe practice.
- **Criminal Convictions:** This involves serious crimes or offences that are relevant to a doctor's professional standing.

The GMC may receive a complaint from a patient, colleague, employer, or the police. Initially, the GMC assesses the seriousness of the concern to determine if a full investigation is necessary. If an investigation is warranted, the doctor is informed and requested to provide a written account of the issues.

## THE INVESTIGATION PROCESS

### THE INITIAL LETTER

A GMC Investigating Officer will be assigned to the case. This Investigating Officer, will initiate contact by sending a letter detailing the complaint that has been received.

Should you receive this notification, you must immediately inform the GMC of your Medical Defence Organisation (MDO) representative's contact details and ensure all future correspondence is directed to them. Your MDO will prioritise and safeguard your best interests.

At this initial stage, you have complete discretion regarding whether or not to provide a response. For MDS members, our Legal Team will conduct a comprehensive review of your case to determine if a response is beneficial at this time, and will provide assistance in drafting the letter if necessary.

## COMPLAINTS ARE INVESTIGATED BY A GMC INVESTIGATING OFFICER

If the GMC decides the complaint warrants investigation, the following actions may be taken at this stage:

- Obtaining additional documentary evidence from employers, the complainant, or other relevant parties.
- Securing witness statements.
- Acquiring expert reports on clinical matters (e.g., assessment of a doctor's health, performance, or English language knowledge).

# THE GMC INVESTIGATION PROCESS



## CASE EXAMINERS STAGE (RULE 7)

After the initial investigation, the GMC will send you a letter inviting a full response to the allegations and providing the evidence gathered. This response is critically important, and if you haven't done so already, this is the most crucial time to contact your Medical Defence Organisation, as their involvement can significantly shape the outcome of all subsequent proceedings. Subsequently, two Case Examiners (one medical and one non-medical) will review all the available evidence, including your response, to decide on the appropriate course of action.

**At this point, after your response, the GMC can take any of the following actions:**

- Conclude the case with no further action
- Issue a warning, which will sit on your registration for 5 years.
- Agree undertakings with you to work within prescribed parameters.
- Refer the case to the Medical Practitioner's Tribunal Service (MPTS) for a hearing.

## MEDICAL PRACTITIONER TRIBUNAL (MPT) HEARING PROCESS

The Medical Practitioners Tribunal (MPT) represents the most critical stage. Following a hearing, the Tribunal will make a determination on the facts of your case. MDS, with its extensive experience and proven success in achieving optimal results for our members, is able to provide representation for you at these hearings through your Medical Defence Organisation.

## THE MPT HEARING IS DIVIDED INTO THREE STAGES:

- **Fact-Finding Stage:** This is where the Tribunal will access the information provided along with witness evidence to determine whether any of the allegations are found to be proven.
- **Impairment Stage:** Following the facts disclosed during the fact-finding stage, the Tribunal will make a determination as to whether the doctor's fitness to practise is currently impaired or not. If the allegations are unproven, then it is unlikely that any impairment would be suggested in which case, and the matter will be closed at this stage. However, if impairment is found, the matter will proceed to the final stage.
- **Sanction Stage:** If the Tribunal determines that your fitness to practice is impaired, this final stage will determine the appropriate sanction. The Tribunal has the following options for sanctions:

**No Action:** *The Tribunal may decide to take no action against you.*

**Undertakings:** *The Tribunal can offer undertakings, which must be agreed upon with the GMC, provided the Tribunal is satisfied that these undertakings will protect the public's health and well-being.*

**Conditions:** *The Tribunal may place conditions on your registration.*

**Suspension:** *Your registration may be suspended.*

**Erasure:** *Your name can be erased from the Medical Register, which prevents you from continuing to practise medicine.*

# THE GMC INVESTIGATION PROCESS



Even if the Tribunal finds that your fitness to practise is not impaired, they still have the power to issue a warning. This is only done if the Tribunal is satisfied that there has been a significant departure from the reasonable standards expected of a doctor, or if an assessment of your performance reveals cause for concern.

This is not necessarily the end, as you are entitled to an appeal, which your Medical Defence Organisation can also assist you with.

## INTERIM ORDERS TRIBUNAL (IOT) HEARING

While the GMC's investigation focuses on gathering evidence and determining whether your fitness to practise may be impaired, there are occasions where the GMC considers it necessary to take immediate action to protect patients and maintain public confidence in the medical profession while the investigation is ongoing. In such cases, the matter may be referred to an IOT of the Medical Practitioners Tribunal Service (MPTS).

The IOT hearing looks at the doctor's practice in light of the evidence and allegations available, in order to determine whether a doctor is safe to practice without restrictions or at all while the investigation into their fitness to practise continues. Cases that are usually referred to an IOT is where the GMC believes this is necessary to protect certain members of the public, to protect the general public, or to protect the interests of the doctor.

**Please note that an IOT hearing is not a fact finding hearing.**

The IOT hearing is made up of three Tribunal members, of which, one must be medically qualified, and one must be non-medically qualified. The Chair of the Tribunal is usually legally qualified.

## AN IOT CAN MAKE ANY OF THE FOLLOWING DETERMINATIONS:

- No order
- Impose an interim order placing conditions on your registration for up to 18 months
- Impose an interim suspension of your registration for up to 18 months

The Interim Orders Tribunal (IOT) assesses a case by determining if the allegations against you pose a risk to public safety. Typically, these interim orders hearings are held in private, excluding members of the public and the media.

The GMC's obligation to continue investigating the allegations remains, even if the Interim Orders Tribunal (IOT) does not impose an interim order against you. The IOT hearing does not conclude the GMC investigation.

Interim Orders Tribunal (IOT) orders, such as suspension or conditions on a doctor's practice, are temporary and can remain in effect for a maximum of 18 months.

These IOT orders are subject to a mandatory review every six months. Additionally, either the General Medical Council (GMC) or the doctor can request an early IOT review hearing at any point during the GMC investigation, typically when new evidence emerges.

# THE GMC INVESTIGATION PROCESS



Please be advised that a doctor is not obliged to attend the IOT hearing. However, as a Medical Defence Organisation, we recommend doing so, in case any urgent information is needed to assist the Tribunal when making their decision. It goes without saying, MDS can offer its robust representation and expert advice during the IOT hearing process too.

## Conclusion

### ► Understand the investigation stages

Knowing how the GMC investigation process works can help doctors respond appropriately and reduce unnecessary uncertainty during each stage of proceedings.

### ► Seek early professional support

Obtaining advice from a Medical Defence Organisation or legal representative at an early stage can help protect your interests and guide your response effectively.

### ► Maintain professionalism and cooperation

Providing clear information, engaging with the process appropriately, and demonstrating insight are important factors that may influence the outcome of a GMC investigation.