



Practitioner Health Programme

**General
Medical
Council**

**Regulating doctors
Ensuring good medical practice**

**A memorandum of understanding between the NHS
Practitioner Health Programme (PHP) and the General
Medical Council (GMC)**

March 2016

agreements with commissioners. Details for accessing PHP outside of current commissioned routes can be found on the PHP website

<http://php.nhs.uk/live-outside-london/>

Confidentiality

3. The GMC has a statutory duty under Section 35B(4) of the Medical Act 1983 to publish, in such a manner as it sees fit, a range of decisions by fitness to practise panels, interim orders panels, the Investigation Committee, and undertakings agreed with doctors. However, it has a discretionary power to withhold any information concerning the physical or mental health of a person which it considers to be confidential.
4. The GMC does not publish information relating solely to a doctor's health. It treats this information as confidential. This means it does not publish the details of conditions or undertakings that directly relate to a doctor's health. Where details regarding a doctor's health are disclosed during any part of a hearing which is held in public, by any party, this information is redacted from the published decisions.
5. Doctors approaching the PHP for help need to be assured that they have the same rights to confidentiality as any other patient. To this end, the PHP has devised a confidentiality policy for doctors (<http://php.nhs.uk/confidentiality/>).

Potential areas of communication

6. Communication between the GMC and the PHP is based on an overriding duty to protect patients while, as far as possible, being fair to doctors and protecting confidential health information about individual doctors. Areas of potential communication between the GMC and the PHP include the following (the list is not intended to be exhaustive):
 - a. Pre-referral discussion:
 - i. 'in principle' about how best to manage concerns about a doctor and whether or not the GMC would need to be informed on an anonymised basis, or
 - ii. discussions about individuals who have been referred to either organisation, where there are concerns about public protection or the safety of patients under the care of the doctor, on a named doctor basis.

doctor's performance or conduct which may call into question their fitness to practise.

Cases under investigation/monitoring by the GMC

14. Whenever the GMC receives a complaint about a doctor an initial assessment is conducted. The complaint may include information which indicates the doctor may be unwell.
15. Where the complaint raises issues which call the doctor's fitness to practise into question, the GMC's fitness to practise procedures are engaged and an investigation will follow. In these cases, for doctors who appear to have a mental or physical health concern, the GMC will ask the doctor if they are currently undergoing assessment or treatment by the PHP. If so it will, with the doctor's consent, seek relevant information from the PHP.
16. Any information provided by the PHP will be considered by GMC decision makers and Medical Practitioner Tribunal Service (MPTS) panels in relation to the doctor's fitness to practise.
17. Where a doctor is under investigation/being monitored by the GMC and is also under the care of the PHP, the PHP will inform the GMC whether they are acting in a treating capacity or as a support group. If the PHP is acting in a treating capacity they will provide a named person with whom the GMC can liaise.
18. The PHP will ensure that any information arising from the monitoring of the health of a doctor being investigated or monitored by the GMC that indicates they have breached restriction(s) imposed on their registration and/or are not complying with advice on managing their health problem, and/or their condition appears to pose a risk to their patients, will be shared with the GMC as soon as possible.

Doctors being treated/monitored by PHP

19. When the PHP receives a referral (self-referrals or referrals from an employer/contracting organisation) they will ask the doctor/referring organisation if the doctor is currently under investigation/being monitored by the GMC, and perform a registration check to ascertain if restrictions are in place.

On behalf of GMC

Name: Niall Dickson



Signature

Chief Executive, GMC

Date: March 2016

On behalf of PHP

Name: Dr Clare Gerada



Signature

PHP Medical Director

Date: March 2016