

7 February 2011

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Dear Alan

Thank you for your letter of 4 January addressed to Niall Dickson. Niall has asked me to reply as Deputy Chief Executive.

Firstly, can I say we share your concerns about how poor performance of doctors is dealt with, it is clearly very important that this is robustly addressed locally and in a timely fashion. That said, as I know you will appreciate, the Responsible Officer Regulations and Guidance are very much for the Department of Health (England) and, although we have a view, ultimately the Guidance is a matter for the Department.

Our position in relation to the substantive point must be that we would expect employers to take poor performance seriously and to deal with this robustly. The key issue in relation to our involvement is whether the Responsible Officer believes that there is a material risk to the public of allowing the doctor to continue to practise without restriction and, where there is, we must be involved. That is not to say that we would not agree that this matter could be dealt with locally, but that the risk must be properly assessed. Clearly, if there is no patient safety risk I agree that a local investigation should be conducted first, keeping the GMC involved as appropriate before any referral is made.

As you may know, Council has now approved proposals to roll out an outreach team of individuals who would engage regularly with medical directors on these issues (formerly GMC Affiliates). As such, in future, we would be in a good position to have a dialog on individual cases and to ensure that inappropriate or premature referrals are not being made. I expect we will shortly begin recruiting staff for this development. Our aim is to have this service up and running across the UK by the end of the year.

Please feel free to give me a call on this issue or I would be more than happy to attend the next meeting of the JMCC to discuss if that would be useful.

Yours sincerely,



Paul Philip
Deputy Chief Executive

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