



Department
of Health

Government Response to the
House of Commons Health
Committee Report of Session
2013-14: 2013 accountability
hearing with the General Medical
Council



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Presented to Parliament
by the Secretary of State for Health
by Command of Her Majesty

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Government Response to the House of Commons Health Committee Report of Session 2013-14: 2013 accountability hearing with the General Medical Council

INTRODUCTION

On 2nd April 2014, the House of Commons Health Committee (the Committee) published the report: *2013 Accountability Hearing with the General Medical Council (GMC)*.

The Department is of the view that such hearings are of great value in strengthening the accountability of the professional regulatory bodies to Parliament and the wider public.

The Department is committed to continuing to work with the GMC, Devolved Administrations and other stakeholders to develop policy and where appropriate, legislation to support its work.

DEPARTMENTAL RESPONSE

The Department welcomes this report and has carefully considered the Committee's conclusions and recommendations. Whilst the majority of the report's recommendations are for the GMC to respond on, the following recommendations are for the Department:

MEDICAL PRACTITIONER TRIBUNAL SERVICE

Recommendation: It is disappointing that the proposal to implement regulatory reforms which would allow the GMC to appeal Medical Practitioner Tribunal Service (MPTS) decisions are not be introduced by section 60 order in 2014. Given the number of

cases adjudicated each year, the Committee believes that the Government should have prioritised the introduction of the section 60 order in 2014 in order to implement the provisions at the earliest opportunity. (Paragraph 70)

With the expectation that the next parliamentary session will see pre-legislative scrutiny of the draft Law Commission Bill, rather than the passage of a Bill through Parliament, the Government's legislative timetable appears to be exceedingly optimistic. The Committee is concerned that incorporating the right to appeal in a draft Law Commission Bill will only further delay implementation, as there is little likelihood of Royal Assent before the end of the Parliament. Therefore, the Committee urges Ministers to use a section 60 order to implement the GMC's right to appeal MPTS decisions as soon as is reasonably practicable. (Paragraph 71)

The Department agrees that the introduction of a power for the GMC to appeal MPTS decisions, and other reforms to the GMC's adjudication function, are a priority. We have begun working again with the GMC to scope a potential section 60 order so that we have a process in place to make the necessary changes at the earliest opportunity.

LANGUAGE TESTING

Recommendation: The Committee welcomes the fact that the Government is legislating to allow the language testing of registrants from the European Economic Area in cases where a doctor's communications skills are of concern. This represents an important development in improving public protection as both Government and GMC data shows that language concerns have been prevalent in fitness to practise cases. The Committee notes that responsible officers will be tasked with identifying concerns and undertaking testing. In their assessment of the performance of responsible officers the GMC should evaluate whether they are sufficiently close to their registered doctors to make informed decisions concerning their ability to communicate with their patients. (Paragraph 81)

The new legislation which gives the GMC the power to introduce language controls for doctors from the European Economic Area applying for registration to work in the UK has now come into force. The GMC are expecting to bring in these new language controls in the summer 2014 and the Department of Health believe that this new legislation will ensure at a national level that all doctors working in the UK have the necessary knowledge of English to treat patients safely.

In addition, the regulations that gave responsible officers' an explicit duty to ensure that the doctor's they are responsible for have the necessary knowledge of English came into force in April 2013. Responsible officers play a key role in improving the quality and safety of patient care. As part of this responsible officers in England and Wales need to ensure that pre-employment or pre-contract systems are in place to check that doctors have the appropriate qualifications and experience for the role,

including language competence. There must also be an integrated system for monitoring doctors' performance that includes investigating fitness to practise concerns which now include language competence. The responsibilities of responsible officers are explained in detail in the Department's guidance on The Role of The Responsible Officer. This guidance is currently being updated and will be re published in 2014.

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