

The Secretariat of Wessex LMCs

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Dear Doctor

Re: Professional Regulation

In the aftermath of the Shipman Enquiry and Dame Janet Smith's recommendations, the profession is likely to be regulated even more heavily in the future. All GPs on a Performers List are already exempt from protection under the Rehabilitation of Offenders Act, are subject to an Enhanced Criminal Records Check and must sign an explicit declaration regarding criminal offences and professional investigations and must agree to notify the PCT within seven days of any new offence or investigation.

Doctors have a difficult and demanding job and may at some time require personal or professional help and support. Every doctor has a legal and professional obligation to seek help for themselves and to notify an appropriate authority if patients are at risk. Failure to do so may result in GMC referral. Practice employees may also raise concerns about a doctor's fitness to practice and would be protected by the Public Interest Disclosure Act and employment law.

Any additional new regulation must be fair and supportive if doctors are to seek help themselves or refer a colleague at the earliest sign of a problem.

All GPs and all Out of Hours doctors must be on a Performers list managed by the PCT. There are currently particular concerns about the regulation of very mobile doctors and those that work only occasionally, where performance issues are more likely to be overlooked and less easily tracked and followed up. (See attached sheet for practice obligations in relation to employing a locum.)

UK locums must be registered on a Performers list and will be subject to all the normal UK regulations. However, doctors coming from abroad to work for short periods will not necessarily be subject to all of these checks. For example formal CRB checks apply only to the UK. (The CRB offers a "fax back service" providing information on the availability of criminal records information from overseas.)

The GMC carries out pre-registration identity checks on UK medical graduates, International graduates who take the PLAB test and, since April 1st 2005, on all EEA doctors and Swiss nationals who come to work here as doctors.

Wessex LMCs work closely with our PCTs to manage poor performance and are currently reviewing procedures with them to ensure safe and effective systems throughout Wessex. We have considerable experience in these matters and can offer confidential advice and support.

If you have any concerns about yourself or any colleague please contact Wessex LMCS or the PCT at an early stage for advice and support.

Yours faithfully

Nigel Watson

Dr Nigel Watson
Chief Executive

[With the approval of all PCT PEC Chairs]

Employment of Locums

The GMS contract imposes strict regulations regarding the employment of any GP. These apply even to short term locums. (See **Persons Who Perform Services:** <http://myweb.tiscali.co.uk/lmclive/genguide/iemp/newcontr2/modelcontract.pdf>)

You have a professional obligation and a legal duty of care to alert the PCT if you decide not to employ or re-employ a locum because of poor performance concerns.

Practices must check;

- that the locum has adequate medical defence cover.
- the name and address of the PCT whose performers list the doctor is on
- that the doctor has not been suspended, subject to interim suspension from the performers list or the Medical Register
- whether there are conditions applied to inclusion in the performers list
(*You may employ an urgently needed locum for a single period of up to 7 days whilst these checks are undertaken.*)
- that the doctor has the necessary qualifications, clinical experience and training to perform the job properly.
- two clinical references*;
 - relating to a recent post held for at least 3 months without a significant break.
 - if this is not possible a full explanation and alternative references
 - if the doctor is employed on more than one occasion in a three month period you may use references from the first occasion if less than 12 months old.
(*You may employ an urgently needed locum for a single period of up to 14 days while references are followed up and an additional 7 days if the referee is ill, on holiday or temporarily unavailable.*)
- that arrangements are in place to maintain and update the doctor's skills and knowledge in relation to the services he is providing.
(*Employees must be able to undertake training to maintaining competence.*)

*References

These are subject to legal and professional requirements and you may be challenged if you refuse to give a reference because of discrimination or if you write a misleading, false or inaccurate reference, or one that is intentionally or maliciously false. Although normally confidential, they may be used as legal evidence.

The GMC provides guidance on; ***Making assessments and providing references***

You may find the Structured Reference Form on our website useful:

<http://myweb.tiscali.co.uk/lmclive/genguide/imisc/refform/refform.html>