

General Medical Council (Constitution) Order 2008

Consultation Questions

Please fill in and/or tick the appropriate response.

Response form

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The information you send us may need to be passed on to colleagues within the UK Health Departments and/or published in a summary of responses to this consultation.

I do not wish my response to be passed to other UK Health Departments

I do not wish my response to be published in a summary of responses

Please indicate all the countries to which your comments relate:

| | | | |
|-----------------|-------------------------------------|-------------------------|--------------------------|
| UK-wide | <input checked="" type="checkbox"/> | and/or | |
| England | <input type="checkbox"/> | Northern Ireland | <input type="checkbox"/> |
| Scotland | <input type="checkbox"/> | Wales | <input type="checkbox"/> |

Are you responding: - *as a member of the public*
 - *as a health or social care professional*

- on behalf of an organisation

If you are responding as a member of the public, please supply the following details:

Profession

If you are responding as a health or social care professional, please supply the following details:

Profession

Country of qualification

Please indicate as appropriate:

UK

Other EEA

Rest of World

Area of work

NHS

Social Care

Private Health

Voluntary

Regulatory Body

Professional Body

Education

Union

Local Authority

Trade Body

Other (please give details)

If you are responding on behalf of an organisation, please supply the following details:

NHS

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Voluntary

Regulatory Body

Professional Body

Education

Union

Local Authority

Trade Body

Other (please give details)

The GMC (Constitution) Order 2008

Consultation Questions

Composition of the Council

Q1: Do you agree that the GMC should consist of 12 registrant members and 12 lay members?

Support **(X)**

Not Support **()**

Unsure **()**

Comments

We support the move for the councils of regulatory bodies to become smaller and more board like, and agree with the proposal in Niall Dickson's report that regulators should aim for councils to be made up of between 9 and 15 members. Whilst 24 members is still a large number, and it will remain difficult for a more board-like approach to be adopted unless further reductions are made, we understand that an incremental approach to reduce the number of members may be practical for some regulators such as the GMC.

Terms of office of members

Q2: Do you agree that the Privy Council should determine the duration of the term of office of each GMC member, on appointment?

Agree **(X)**

Disagree **()**

Unsure **()**

Comments

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Q3: Do you agree that no member should hold office for more than an aggregate of 8 years during any period of 20 years?

Agree ()

Disagree ()

Unsure (X)

Comments

Whilst we are unsure whether 8 years in 20 should apply in the case of GMC, we do not agree that this should be the standard requirement for all regulatory bodies. In particular, where a regulator is regulating a profession where there are substantially smaller numbers than is the case with doctors, it may be difficult to find persons within the profession with the skill set required to be on a strategic board to serve as registrant members on the council. Effectively ruling out the possibility that someone who has served 8 years should be able to serve again, will mean that some regulators will be drawing from an ever diminishing pool of persons with the skills required. The Department should give consideration to this issue when deciding a formula for those professions where the numbers are small.

Q4: Do you agree that service as a member since 1st January 2005 should be included in aggregating a council member's service?

Agree ()

Disagree (X)

Unsure ()

Comments

This will mean that the regulation has retrospective application, which may be perceived to be unfair. For example, someone's decision to serve on the current Council may have been different had they have known that this would affect the time they could serve under the new arrangements.

Education and training of members

Q5: Do you agree that the GMC should have the flexibility to make arrangements for the provision of education and training of Council members with another body?

Agree (X)

Disagree ()

Unsure ()

Comments

Disqualification for appointment as a member

Q6: Do you agree with the reasons for disqualifying a person from appointment as a member of the GMC? If not, please specify which reasons you disagree with and explain why.

Agree (X)

Disagree ()

Unsure ()

Comments

We believe that it is imperative that financial penalty orders are added to the sanctions resulting from fitness to practise proceedings carried out by other licensing bodies. For example, the General Optical Council, the Architects Registration Board, and the Solicitors Regulation Authority all impose financial penalty orders under their fitness to practise regimes, and we do not believe that it would be appropriate for persons who have been subject to such orders to be able to become a member of the GMC Council.

We also believe that inclusion on a list of persons barred from working with children and/or vulnerable adults needs to be added to the reasons for disqualification.

Removal and suspension of members from office

Q7: Do you agree with the reasons given for removing or suspending members from office? If not, please specify which reasons you disagree with and explain why.

Agree (X)

Disagree ()

Unsure ()

Comments

The same points raised above concerning financial penalty orders and barred lists apply.

Appointment, term of office and cessation of office of the chair

Q8: Do you agree that the Chair of the GMC should be elected from among the members of the council?

Agree ()

Disagree ()

Unsure ()

Comments

Whilst we would not wish to comment on this arrangement for the GMC, we believe there are clear merits to the arrangements which apply to the General Optical Council where the Chair is appointed, rather than elected, against a specified set of competencies. This ensures that the Chair possesses the relevant set of skills.

Q9: Do you agree that the term of office of the Chair should be determined by the GMC?

Agree ()

Disagree ()

Unsure ()

Comments

Q10: Do you agree with the reasons why a member should cease to be chair?

Agree ()

Disagree ()

Unsure ()

Comments

Q11: Do you agree with the transitional arrangements in respect of the first chair of the GMC in 2009?

Agree ()

Disagree ()

Unsure (X)

Comments

This is not a matter on which GOC has a view.

Deputising arrangements in respect of the chair

Q12: Do you agree with the deputising arrangements in respect of the Chair?

Agree ()

Disagree ()

Unsure (X)

Comments

This is not a matter on which GOC has a view with respect to other regulators.

Quorum of the GMC, effect of vacancies on the validity of proceedings etc.

Q13: Do you agree that the quorum of the GMC should be 14?

Agree (X)

Disagree ()

Unsure ()

Comments

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Q14: Do you agree with the provisions that prevent GMC proceedings being invalidated?

Agree (X)

Disagree ()

Unsure ()

Comments

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