

MEDICAL PROTECTION SOCIETY

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medicalprotection.org



Rt Hon Matt Hancock MP
Secretary of State for Health and Social Care
Department of Health and Social Care
39 Victoria Street
London
SW1H 0EU

Via email

26 March 2021

Dear Secretary of State

We are writing to you as a coalition of leading healthcare organisations to urge you to use the opportunity of forthcoming legislation to deliver on the government's commitment to remove the General Medical Council's (GMC) power to appeal decisions made by the Medical Practitioners Tribunal Service (MPTS).

As you know, in 2018 the government accepted in full the recommendations of the Williams review into gross negligence manslaughter in healthcare, following the case of Dr Hadiza Bawa-Garba. They included the central recommendation that 'the General Medical Council should have its right to appeal fitness to practise decisions by its Medical Practitioner Tribunal Service removed'¹.

The independent review concluded that, following the case of Dr Bawa-Garba, removing the GMC's right of appeal against MPTS decisions would 'help address the mistrust of the GMC amongst doctors and contribute to cultivating a culture of openness that is central to delivering improved patient safety'. It also concluded that public protection would still be maintained, with the Professional Standards Authority (PSA) still retaining its near identical right of appeal to MPTS decisions. We were pleased to see the recent white paper confirm that the Government plans to consult further on its broader reform proposals with the aim that

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/717946/Williams_Report.pdf

these be delivered through secondary legislation. The forthcoming Health and Social Care Bill seems an excellent opportunity to amend the Medical Act 1983 by removing section 40A. We urge you to include such provisions in the Health and Care Bill and bring forward a timetable for reform.

We believe this will sit well alongside other proposed reforms to professional regulation. We hope you will agree this is both possible and appropriate and look forward to your reply.

Yours sincerely



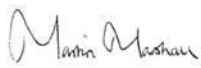
Professor Dame Jane Dacre
President, Medical Protection Society



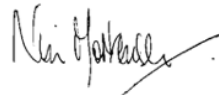
Professor Russell Viner
President, Royal College of Paediatrics and Child Health



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Professor Martin Marshall
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Professor Neil Mortenssen
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Professor Andrew Goddard MD, PRCP
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Dr Jenny Vaughan
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Professor Michael Griffin
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Professor Neena Modi
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Dr Mike Nathanson
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Dr Ramesh Mehta OBE
President, British Association of Physicians of Indian Origin
Chairman of the Board, Medical Defence Shield



Dr Claudia Paoloni
President, Hospital Consultants and Specialists Association

cc. Jeane Freeman MSP, Cabinet Secretary for Health and Sport, Scottish Government
cc. Vaughan Gething MS, Minister for Health and Social Services, Welsh Government
cc. Robin Swann MLA, Minister of Health, Northern Ireland Executive

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