

From: <redaction s40(2)>

Sent: Tuesday, July 2, 2024 1:21 PM

To: WG Officer 9 <redaction s40(2)> (HSS - NHS Workforce & Operations) WG Officer 12 <redaction s40(2)> (HSS - NHS Workforce & Operations); WG Officer 11 <redaction s40(2)> (HSS - NHS Workforce & Operations); WG Officer 10 <redaction s40(2)> (HSS - Quality & Nursing Directorate) WG Officer 7 <redaction s40(2)> (HSS - Chief Medical Officer)

Subject: Statement in response to the announcement by the British Medical Association (BMA) that they are preparing to take legal action against the General Medical Council (GMC)

Dear all

I hope it is helpful to share the following statement with you, which we have just [published on our website](#). Do let me know if it would be useful to discuss further.

Best wishes,
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Statement in response to the British Medical Association's threat of legal action

Statement in response to the announcement by the British Medical Association (BMA) that they are preparing to take legal action against the General Medical Council (GMC) over our use of the term 'medical professionals' and our intention to apply our core professional standards to doctors, physician associates (PAs) and anaesthesia associates (AAs).

A GMC spokesperson said:

'We have responded to the BMA today, strongly rejecting the basis on which they have threatened to bring legal proceedings. We believe the grounds for the threatened judicial review are not even arguable.

'We have extensively and formally consulted with the BMA over several years in relation to the core standards to be set for PAs and AAs, *Good medical practice*. From as early as 2021 we made the BMA and others aware of our intention to apply our core professional standards to doctors, PAs and AAs, and received no objections from them at all. Our approach, in publishing a single set of core standards, is consistent with that of other multi-profession healthcare regulators.

'The term 'medical professionals', which we have adopted to describe all the professional groups we will regulate, is not a protected title, and our use of it is both lawful and appropriate.

'We have made it very clear we will recognise and regulate doctors, PAs and AAs as three distinct professions. We have also been consistent in saying that, as their regulator, we will expect PAs and AAs to always work under some degree of supervision and to practise within their competence. They will have a responsibility to clearly communicate who they are, and their role in the team.

‘To register with us, PAs and AAs will also need to show that they have the knowledge, skills, and experience to treat patients safely, and that there are no outstanding concerns about their fitness to practise. Bringing PAs and AAs into regulation will help to assure patients, colleagues and employers that they are safe to practise and can be held to account if serious concerns are raised.’

-Ends

Additional information:

- Our consultations with the BMA on *Good medical practice* included:
 - A pre-consultation survey in 2021 which included a specific question on applying the core professional standards to doctors, PAs and AAs. No concerns were raised by the BMA in relation to this question.
 - Our formal public consultation on *Good medical practice* in 2022 stated clearly that we intended to have one set of core professional guidance for all medical professionals registered with us. It also stated that we had adopted the term ‘medical professionals’ to describe all the professional groups we regulate. The BMA did not address either of these matters in its response to the consultation.
 - In 2023 the GMC emailed an embargoed copy of *Good medical practice 2024* to the BMA, in which it was confirmed the guidance would also apply to PAs and AAs when we became their regulator.
 - We also presented at several BMA committee meetings and held informal meetings with BMA staff throughout the review at which the development of *Good medical practice 2024*, and the standards to be applied to doctors, PAs and AAs, were discussed.
 - BMA members were part of an External Advisory Forum which was set up to act as a ‘critical friend and sounding board’ for key decisions and developments throughout the development of *Good medical practice 2024*.
- In 2019 the GMC was asked by the four UK governments to take on regulation of PAs and AAs. This work is funded by the DHSC.
- Earlier in 2024 legislation introducing the regulation of PAs and AAs was passed by the UK and Scottish Parliaments, which sets out a legal duty for us to regulate PAs and AAs from the end of this year.
- We have been consistently clear that PAs and AAs will have a responsibility to clearly communicate who they are, and their role in the team. *Good medical practice*, the professional standards that will apply to PAs and AAs once regulation starts, say: ‘you must always be honest about your experience, qualifications, and current role’.
- PAs and AAs don’t have the same knowledge, skills and expertise as doctors. They are not doctors, and they can’t replace them, and we have been consistently clear that any perception that there is a plan for the health services to ‘replace’ doctors with PAs or AAs must be tackled.

- We have consulted on the rules, standards and guidance needed to implement this legislation and we're now considering the responses so that we can finalise our approach.

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Pennaeth GMC Cymru - Head of GMC Wales

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Mae hi weithiau yn gyfleus i mi anfon ebyst tu allan i oriau swyddfa arferol. Hoffwn eich sicrhau and ydwyf yn disgwyl i chi eu darllen nag ymateb tu allan i'ch oriau gwaith. It sometimes suits me to send emails outside of usual office hours. Please be assured that I do not expect you to read or respond to these outside of your working hours.



Ysgrifennwch ataf yn Gymraeg neu Saesneg

Please write to me in Welsh or English

General Medical Council

We work with doctors, patients, and other stakeholders to support good, safe patient care across the UK. We set the standards doctors and those who train them need to meet, and help them achieve them. If there are concerns these standards may not be met or that public confidence in doctors may be at risk, we can investigate, and take action if needed.

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You are welcome to contact us in Welsh. We will respond in Welsh, without this causing additional delay.

Cyngor Meddygol Cyffredinol

Rydym yn gweithio gyda meddygon, cleifion a rhanddeiliaid eraill i gynorthwyo gofal da a diogel i gleifion ar draws y DU. Rydym yn gosod y safonau y bydd angen i feddygon a'r rhai sy'n eu hyfforddi eu bodloni, ac yn eu helpu i'w cyflawni. Os bydd pryderon efallai na fydd y safonau hyn yn cael eu cyflawni neu y gallai hyder y cyhoedd mewn meddygon fod mewn perygl, gallwn ymchwilio, a gweithredu os oes angen.

Efallai bod y neges e-bost hon yn cynnwys gwybodaeth freiniol neu gyfrinachol, y dylid ei defnyddio at y diben y'i hanfonwyd yn unig.

Os nad chi yw'r derbynnydd neu os ydych chi wedi cael yr e-bost hwn mewn camgymeriad, peidiwch â'i ddarllen, argraffu, ail-anfon, storio na gweithredu mewn ffordd sy'n dibynnu arni neu unrhyw atodiadau os gwelwch yn dda. Dylech anfon e-bost at yr anfonwr ac yna, ei ddileu ar unwaith.

Mae'r Cyngor Meddygol Cyffredinol yn elusen gofrestredig yng Nghymru a Lloegr (1089278) ac yn Yr Alban (SC037750)

Mae croeso i chi gysylltu â ni yn Gymraeg. Byddwn yn ymateb yn Gymraeg, heb i hyn achosi oedi ychwanegol.