

# Reporting criminal and regulatory proceedings within and outside the UK

1 In *Good medical practice*\* we say:

- 75 You must tell us without delay if, anywhere in the world:
  - a you have accepted a caution from the police or been criticised by an official inquiry
  - b you have been charged with or found guilty of a criminal offence
  - c another professional body has made a finding against your registration as a result of fitness to practise procedures.

2 In this guidance, we explain how doctors can put these principles into practice, and what you should inform us about. Serious or persistent failure to follow this guidance will put your registration at risk.

3 The duty to report criminal and regulatory proceedings does not change the circumstances in which the GMC will investigate a doctor's conduct, or the threshold for taking action on registration.

## What you must report

4 You must tell us without delay if, anywhere in the world, you:

- a are found guilty of a criminal offence
- b are charged with a criminal offence
- c formally admit to committing a criminal offence (for example, by accepting a caution,<sup>†</sup> a community resolution order, in Northern Ireland a discretionary disposal, or in Scotland a fiscal fine, or by entering into a contractual disclosure facility agreement with HM Revenue and Customs, which involves admitting you have committed fraud)
- d accept the option of paying a penalty notice for disorder at the upper tier penalty level<sup>‡</sup> (in England and Wales), a penalty notice under the *Justice Act (Northern Ireland) 2011* or a fixed penalty notice under the *Antisocial Behaviour etc (Scotland) Act 2004*<sup>§</sup>
- e receive a cannabis warning (in England and Wales)

\* General Medical Council (2013) *Good medical practice* London, GMC.

<sup>†</sup> This includes a conditional caution under the *Criminal Justice Act 2003* or the *Justice Act (Northern Ireland) 2011*.

<sup>‡</sup> A list of offences can be found at the Home Office website.

<sup>§</sup> A list of offences are set out in Part 11 of the *Antisocial Behaviour, etc. (Scotland) Act 2004*.

- f** receive a formal adult warning (in Scotland)
  - g** are given an anti-social behaviour order<sup>‡</sup> whether as the result of civil or criminal proceedings
  - h** have had your registration restricted, or have been found guilty of an offence, by another medical or other professional regulatory body.
  - i** your conduct (including as part of a management team) has directly contributed to an organisation that has entered into a deferred prosecution agreement.
- c** any other non-statutory inquiries investigating matters in the public interest (sometimes known as departmental inquiries) for example, the Hutton inquiry (circumstances surrounding the death of Dr David Kelly) and the Bichard inquiry (issues arising from the Soham murders)
  - d** a Royal Commission
  - e** a Coroner's Inquest
- 9** In relation to tribunals in the public domain, you must tell us if you know or ought to know that you have been the subject of judicial criticism (for example in civil or criminal proceedings) relating to serious matters that could call your fitness to practise into question.

## Official inquiries

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- 5** If you have been criticised by an official inquiry anywhere in the world, you must tell us without delay.
- 6** By this we mean that you must tell us if you have received criticism that relates to serious matters that could call your fitness to practise into question by the person leading either:
- a** a public/formal inquiry or
  - b** a tribunal in the public domain.
- 7** Public/formal inquiries and tribunals in the public domain; are publicly funded, investigate matters in the public interest and publish their findings.
- 8** Examples of public/formal inquiries include but are not limited to:
- a** an inquiry conducted under the Inquiries Act 2005
  - b** a Parliamentary Commission or Select Committee
- 10** You must also follow any reporting requirements in place at your employing or contracting organisation. If you are not sure about whether, or whom, you need to tell, you should ask for advice from a defence body or medical association.

## What you don't have to tell us about

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- 11** You do not need to tell us about:
- a** a fixed penalty notice for disorder unless it is specified in paragraph 4
  - b** payment of a fixed penalty notice for a road traffic offence,
  - c** Payment of a fixed penalty notice issued by local authorities (for example, for offences such as dog fouling or noise)

## If in doubt, seek advice

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- 12** If you are not sure whether or not to tell us about any of the matters set out in paragraph 4 or 5, you should ask for advice from a defence body or medical association or from us.

\* Applies across the UK.