



Policy & Resources  
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14 August 2018

Dear Sir

**MEDICAL PRACTITIONERS' REGISTRATION PANEL ANNUAL REPORT**

It is a requirement of the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015, that the Medical Practitioners' Registration Panel submit an annual report to the States of Guernsey through the Policy & Resources Committee.

The Committee considered the Report at its meeting on 31<sup>st</sup> July 2018 and submits it under Rule 3(3) of the Rules of Procedure of the States of Deliberation and their Committees as a report for inclusion as an appendix to the Billet d'État of the meeting of the Assembly on 24<sup>th</sup> October 2018.

Yours faithfully

**Deputy L S Trott**  
**Vice-President**



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Deputy Gavin St Pier  
President Policy & Resources Committee  
Sir Charles Frossard House  
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10<sup>th</sup> July 2018

Dear Deputy Gavin St Pier

**Re. The Medical Practitioners' Registration Panel Annual Report**

It is a requirement of the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015; that the Medical Practitioners' Registration Panel submit an annual report to the States of Guernsey through Policy & Resources.

As Chair of the Panel I am pleased to submit the first annual report which covers the calendar year 2017. I would be grateful if you could arrange for this report to be considered appropriately by P&R, and submitted to the States if you see fit.

Yours sincerely

Geoffrey Colclough, LLB; B.Com; CPA; LTA.



# The Medical Practitioners' Registration Panel

Annual Report 2017

Geoffrey Charles Colclough, LLB; B.Com; CPA: LTA and Barrister and Solicitor (retired.)

Chair,

The Registration Panel.

6 June 2018

# The Medical Practitioners' Registration Panel

Annual Report 2017

## Functions of the Registration Panel:

The Medical Practitioners' Registration Panel was established under The Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015 (hereafter referred to as the Ordinance). The Panel oversees the registration of Medical Practitioners in the Bailiwick, and serves as a review body for decisions made by the Responsible Officer relating to registration under the Ordinance (e.g. imposing additional registration conditions, or suspending a registration).

The Panel must ensure that unsuitable persons are not registered as medical practitioners in the Bailiwick. The Ordinance specifies mandatory grounds for refusing an application for registration, such as a murder conviction or being subject to a national disqualification under Section 159 of the National Health Service Act 2006. Discretionary grounds for refusal are also specified, such as unsatisfactory references, suspicion of fraud, where the practitioner's registration with the GMC is subject to conditions, or general unsuitability.

The Panel has the power to extend the suspension of a practitioner beyond the period of 3 or 6 months which may be imposed by the Responsible Officer. Suspension by the Responsible Officer is limited to 3 or 6 months, depending upon the grounds of suspension (e.g. a suspension pending the decision of a court or regulatory body will have a 6-month limit), and an extension can only be granted by the Panel.

The Panel has the power to remove practitioners from the Register (and may delegate this power where it considers appropriate, such as where a request is made by the practitioner, or where removal is on mandatory grounds, such as the death of the practitioner). The Ordinance provides for termination of registration only in limited cases: death of practitioner, on request by practitioner, failure to pay annual charge despite reminder, or if the practitioner fails to satisfy the requirement to be fully registered and licensed by the GMC (or if the practitioner is suspended by the GMC). Additional mandatory and discretionary grounds for removal would include a murder conviction, a sentence of imprisonment exceeding 6 months upon a criminal conviction, being subject to a national disqualification under Section 159 of the National Health Service Act 2006, and non-compliance with registration conditions. In addition, a practitioner could be removed from the register if he or she has not practised as a medical

## The Medical Practitioners' Registration Panel

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practitioner in Guernsey or Alderney during the preceding 12 months (if he or she has been registered for 12 months or more). A practitioner could also be removed from the register:

- if the Panel determines that the continued inclusion of the practitioner in the register would prejudice the efficient provision of medical services under a contract with any Department or Committee of the States of Guernsey, or for which a medical benefit is paid;
- in cases of fraud; or
- where the practitioner is unsuitable to be included in the register, based on specified criteria.

In the interests of fairness, there is a process for reinstating a practitioner to the Register, if, for example, the criminal conviction on which removal was based is later overturned by a court. The Ordinance sets out a process for the Panel to review registration-related decisions made by the Responsible Officer (a decision to impose additional conditions on the registration of a practitioner, the issue of a resolution notice, or suspension of registration).

Decisions of the Panel may be subject to an appeal to the Royal Court or the Court of Alderney. The usual grounds of appeal should apply: *ultra vires* or other error of law, unreasonableness, bad faith, lack of proportionality, or material error as to the facts or as to the procedure.

The Panel has the same powers as the Responsible Officer to require and share information, for the purposes of discharging the Panel's functions. Members of the Panel are excluded from personal liability in the absence of bad faith, so they can discharge their duties without fear of civil liability.

### Membership of the Registration Panel

The Panel is composed of a legally-qualified chair, a medical practitioner who has not worked in the Bailiwick within the previous 20 years, and at least one lay member. The Ordinance allows for a maximum of 6 members and a chair in total.

The following appointments to the Registration Panel were approved by the Policy and Resources Committee on 13<sup>th</sup> April 2017, following recommendation by the Committee for Health & Social Care:

- Mr Geoffrey Charles Colclough (Legally Qualified Chair)
- Advocate Charisma Jay Lyall (Legally Qualified)
- Dr Callum Macleod (Medical Representative)
- Mrs Trish de Carteret (Lay Representative)

## Activity of the Registration Panel in 2017

### 1) Activity in establishment of the Panel:

Members of the Panel were appointed by Policy & Resources in April 2017.

The Panel's introductory meeting included an overview of the local Ordinance and functions of the Panel from one of the Law Officers of the Crown. The Panel received a presentation from the Responsible Officer and the Registration Officer as to the current procedures in maintaining the Register.

The Panel received and approved the Register as it stood at the time of their meeting.

The Panel used its power to delegate to the Officer its functions in respect of maintaining the local Register on a day to day basis.

Panel members signed Declarations of Secrecy regarding confidential information which they might acquire by virtue of their role on the Panel.

A secure encrypted email system (Egress) was put in place to allow confidential exchange of information between and with Panel members.

### 2) Applications for Registration:

38 practitioners applied for registration on the local Register in the calendar year 2017. All applications were made in line with the conditions of the Ordinance. No applications were refused.

### 3) Practitioners removed from the Register

No practitioner was removed from the Register except with agreement of the practitioner in the year 2017. Most removals relate to doctors whose registration in the Bailiwick was time-limited at registration, such as locum and visiting doctors; other common reasons for removal related to retirement or moving away. There were 31 removals in total.

### 4) Other Activity:

The Panel received no requests from practitioners to review a decision made by the Responsible Officer in 2017. The Responsible Officer did not request that the Panel extend a period of suspension in the calendar year. There were no appeals to the Royal Court in respect of decisions by the Panel.

## The Medical Practitioners' Registration Panel

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### Conclusion:

The Ordinance established a Registration Panel for the purposes described above. The Panel has now been appointed and has undergone induction. It has met, and is fulfilling its statutory functions.



