GP APPRAISAL AND ITS INTERACTIONS WITH ENTRY / WITHDRAWAL/REMOVAL FROM THE GP PERFORMERS LIST

GP APPRAISAL REGISTER

NHS Lothian and NHS Borders are committed to provide a high quality annual GP Appraisal under the scheme endorsed by NES. This will be offered to all GPs who are included on the NHS Lothian or NHS Borders (General Medical Practice) Performers ‘List (i.e. have one of these Boards as ‘host board’)

Entry to the Performers List is guided by National Regulation and the completed application form, along with required supporting evidence, must be submitted to the Primary Care Contracts Team to allow a GP to be confirmed on the NHS Lothian or NHS Borders Performers List.

Any GP wishing to join the Performers List must complete an application form and provide the following original documents:

- Passport or Birth Certificate
- Certificate of Prescribed Experience (Certificate of Completion of Training), or documentary evidence supporting exemption from NHS (Vocational Training) (Scotland) Regulations 1980, as amended
- GMC Annual Retention Fee Confirmation

2 clinical references are requested by PCCO and counter fraud checks are made as well as checking that the GP is included on the GMC GP Register.

Many doctors from overseas will have provided evidence of their language competency to the General Medical Council (GMC), but this is not required if they are from the EEA. Before deciding to include an EEA national in a Medical Performers List, consideration must be given to the sufficiency of the evidence provided with the application and whether or not the applicant is required to provide any further evidence of language competency so that their knowledge of English can be assessed. The procedure adopted by NHS Lothian & Borders is that if an EEA GP applicant need not supply evidence if he/she has qualified in a UK University or has worked for over 1 year in the UK as a GP.

At the time of entry onto the GP Performers List the name of the Doctor will be added to the NHS Lothian and Borders GP Appraisal System and arrangements will be made with the GP to agree the name of an Appraiser and a likely time-frame for the Appraisal. Where a previous Appraisal has taken place this will inform the timeline for the next annual Appraisal.

On an ongoing basis the NHS Lothian and NHS Borders GP Appraisal Register and their GP Performers Lists will be reviewed and the failure to complete appraisal and to submit a Form 4 may lead the GP name to be removed from the GP Performers List and this fact to be notified to the GMC for review of their listing as a GP specialist on the GMC Medical Register.

- GPs wishing to enter the L&B PL must be willing to undertake appraisal within six months of application, and will be removed from the PL if they have been offered, but failed to undertake appraisal within one calendar year. (IM/RC/DM to make decision)
- Newly qualified GP’s, who have not undertaken GP Appraisal before, will be provided with information in respect of the evidence that should be collected in anticipation of the Appraisal later in the year.
- If the GP has been appraised as a GP elsewhere within NHS Scotland, they will be asked to submit a copy of their Form GPSCOT 4 from their previous Appraisal(s) to be logged within the NHS Lothian Appraisal System.
If the GP has been appraised as a GP elsewhere in the United Kingdom, they too will be asked to offer a copy of their Form 4 to the NHS Lothian GP Appraisal office. If this is not possible as a minimum they must advise the Appraisal office of the date and place of any previous Appraisal and, ideally, include a copy of a certificate of proof that the Appraisal took place. If the Form 4 which is submitted does not provide adequate evidence of participation in appraisal consistent with the standards of the NES scheme, the GP will be asked to undergo appraisal in Lothian and Borders within six months.

GPs on the Performers List who are now working in a specialty other than general practice may elect to remain on the GMC’s GP Register, but will normally be removed from the Performers List unless or until they again become eligible for GP appraisal and are able to provide evidence that relates to general practice.

Where evidence of appraisal elsewhere within the UK cannot be provided i.e. where the GP has been practicing, the GP will be removed from the Performers List. (IM/RC/DM to make decision)

National regulations state that GPs who are on sick leave for greater than one week must inform the PCCO (SFE, point 10.3). However this requirement is seen locally as impractical. The local variation would be that the PCCO must be informed if the GP was absent for more than 4 weeks or has more than 2 periods of sickness absence in one year.

If a GP on sick leave has been unable to work for longer than one year, their appraisal may be deferred, but they should undertake a return to work interview with the Postgraduate Dean at the Lister prior to returning to practice. Appraisal may be offered as part of the return to work process, particularly to support learning needs assessment. A similar process should apply to GPs on maternity or sabbatical leave, or taking a career break.

If the Postgraduate Dean’s office identifies major learning needs for a GP who has been absent from practice for a prolonged period, the Dean’s representative should discuss with the PCCO what conditions should be applied and what support will be needed for the GP to return to safe medical practice, and these conditions should be in place before the doctor resumes work on the Performers List.

SESSIONAL DOCTORS

All Sessional Doctors listed on the NHS Lothian or NHS Borders GP Performers Lists are required to advise the Primary care contracts team of any change of contact address.

All Sessional Doctors who are ‘hosted’ by NHS Lothian or NHS Borders will be offered annual GP Appraisal by NHS Lothian/Borders.

• It is noted that if the bulk of their work is undertaken in another Health Board area the appraisal should be organised by that other Board. In this circumstance the GP should submit a copy of their Form Scot 4 to the NHS Lothian Appraisal office when the appraisal has been completed. However, if a Sessional GP undertakes the bulk of their work in another area, they will be encouraged to transfer ‘host board’ to that area.

• On a similar basis, GPs who undertake salaried employment within a Specialty, including Out-of-Hours Care, may opt to have their Appraisal undertaken within that Specialty and should include their GP work within that process.

• If a GP is employed entirely within Out-of-Hours they should use the same documentation as a Salaried / Sessional GP. However it is recognised that significant differences exist in the evidence that is available for them, and that there may be alternative priorities for
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review. This will be addressed by appraisers contracted to work for the out of hours service, working in partnership with the Lothian and Borders GP appraisal scheme.

- If the work is in a Hospital or Specialist service it is acceptable that the Appraisal is undertaken using the relevant Consultant/Specialist Appraisal documentation, with particular reference to any work undertaken as a GP. Again a copy of their Form 4 should be submitted to the NHS Lothian Appraisal office when the appraisal has been completed.

EMPLOYED GPs

In addition to annual GP appraisal it is recognised that all GPs employed directly by NHS Lothian or NHS Borders, including those working within GMS Section 2C Salaried Practices, will be required to undertake a separate Performance Review with the Clinical Director of the CHP within which they are managed. This will also apply to Salaried GPs working within Out-of-Hours where a separate Performance Review will be undertaken with the Clinical Director.

Salaried GPs (employed within/by a Practice) will be appraised as all other GPs under the standard GP Appraisal System and any performance review will be the responsibility of the employer.

FAILURE TO COMPLETE APPRAISAL

If a GP fails to complete appraisal:

- the LAA will interview the GP
- if an acceptable solution cannot be found, the matter will be referred to the Medical Director, who may consider removing the GP from the PL.
- Failure to complete appraisal shall include failure to agree and sign off the GPScot4 report. This is an essential part of the process that will be required for revalidation.

(no clear guidance in regulations, but completion of appraisal is a requirement for being on the PL and the MD as a future RO will need to agree that it has taken place satisfactorily – IM/RC/DM will approve)

REMOVAL FROM THE PERFORMERS LIST

To remain on the Performers List a GP is required under the Regulations to have annual appraisal. It is open to doctors who are removed from the Performers List through failing to meet this requirement to remain on the GMC’s GP Register, provided that they satisfy any GMC requirements for doing so. They may apply for reinstatement on the Performers List as detailed above for a new applicant.

However the PCCO must remove the performer from its performers list where it becomes aware that they -

- Have been convicted in the United Kingdom of murder;
- Have been convicted in the United Kingdom of a criminal offence and has been sentenced to a term of imprisonment of over six months;
- Are subject to a national disqualification;
- Have died; or
- Are no longer members of the relevant health care profession.

The PCCO may use its discretion to remove a GP from its Performers List where:

- The GP is involved in a fraud case in relation to any health scheme; or
Where the GP cannot demonstrate that they have performed primary medical services within the area of the PCCO during the preceding twelve months. (Excludes a period of suspension from the List or certain armed forces, or equivalent, service.) Current proposals (2010) from the RCGP suggest a minimum of one session per week over the year as the absolute minimum for a GP to remain on the Performers List. In recognition of the likely consequence of deskilling for a GP who works at this level over a prolonged period, local guidance is that this should be a minimum of two sessions per week after the first year.

The PCCO may wish to use the Doctors Support Group mechanism in Lothian as an alternative to removing a GP from the Performers List. Further details of this group are available from the PCCO but they are beyond the scope of this document. In NHS Borders the Medical Director may offer an informal support mechanism when appropriate.

It is recognised that when Revalidation is in place there will be a need for remediation for any doctors who are unable to satisfy the full requirements of the Revalidation process. This will reflect a development of the current mechanism(s) and it will probably extend to include doctors returning to practice after prolonged absence. Funding for this has yet to be identified.

If the PCCO is considering removing performers from its Performers List it must give

- Notice of any allegation against them;
- Notice of what action it is considering and on what grounds;
- The opportunity to make written representations to it within 30 days;
- The opportunity to put their case at an oral hearing before it, if they so request, within the 30 day period. The hearing Committee should be made up of one-third medical practitioners. It is envisaged that NHS Lothian & Borders would adopt the same Committee style as that implemented in NHS Greater Glasgow & Clyde i.e.:
  - 1 GP member
  - 1 Health Board member
  - 1 Lay member

  Administration support from Primary Care

If the GP does not respond to an intimation that the PCCO proposes to remove him/her from the Performers List, the notice of proposed action will be sent on two further occasions before final notice is served that the GP’s name is to be removed in 30 days’ time.

As an alternative to a removal the PCCO may impose conditions on the doctor’s continued inclusion in the list; this is known as Contingent Removal. Breach of the conditions may lead to actual removal.

APPEALS

A doctor may appeal to the Scottish Ministers following a removal from the performers list.

In Scotland, a doctor may also appeal if his/her application is refused but only on a point of law.
The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 (Scottish Statutory Instrument 2004 No. 114):


The GPC has also produced GUIDANCE NOTES which are easier to understand and appear to be accurate. Relevant extracts appear below

**Application for inclusion in a performers list**

Applications must be made in writing to the PCCO and should include the following:

- Full name; sex; date of birth; private address and telephone number;
- A declaration that they are fully registered medical practitioners;
- A declaration that they are accredited as GPs, including the date of inclusion;
- Medical qualifications, professional registration number; date of first registration; where they were obtained (with evidence);
- Professional experience separated into experience in general practice, hospital appointments and "other". This must include full supporting particulars including chronological details of professional experience (including the starting and finishing dates of each appointment together with an explanation of any gaps between appointments), and an explanation of why they were dismissed from any post;
- If a GP Registrar, the name and practice address of their GP Trainer and, if not a fully registered medical practitioner included in the register of medical practitioners, a declaration that they are registered in that register with limited registration, with details of the limits of that registration, as defined in the direction by virtue of which they are registered;
- Whether they are a contractor;
- Whether they are armed forces GPs;
- Names and addresses of two referees, who are willing to provide clinical references relating to two recent posts (which may include any current post) as a performer which lasted at least three months without a significant break, and, where this is not possible, a full explanation and the names and addresses of alternative referees;
- Whether they have any outstanding application, including a deferred application, to be included in a list or an equivalent list, and if so, particulars of that application; (including any application relating to a body corporate);
- Details of any list or equivalent list from which they have been removed or contingently removed, or to which they have been refused admission or in which they have been conditionally included, with an explanation as to why; (including any application relating to a body corporate);
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- Information about criminal convictions; current or pending criminal investigations;

- Details of past adverse findings, or current investigations, by regulatory, NHS bodies or employers (including partnerships);

- Consent to a request being made by the PCCO to any current or former employer (including partnerships), licensing, regulatory or other body in the United Kingdom or elsewhere, for information relating to a current investigation, or an investigation where the outcome was adverse, to them or a body corporate;

- If the PCCO finds that the information, references or documentation supplied are not sufficient for it to decide the application such further information, references or documentation as may reasonably be required in order to make a decision;

- Details of similar information relating to involvement with a body corporate.

Undertakings required by doctors on a performers list

Doctors are required to give a series of undertakings to a PCCO when applying to join a list. Failure to adhere to these undertakings may lead to a doctor's removal from the list. The main undertakings are:

- To notify the PCCO within 7 days of any material changes to the information provided (i.e. that above) in the application until the application is finally determined and, if included in the performers list, at any time when their name is included in that list;

- To notify the PCCO if they are included, or apply to be included, in any other list held by a PCCO or equivalent body;

- To comply with the requirements of the General Medical Services Contracts Regulations about gifts (applies to all doctors irrespective of contractual arrangements);

- To participate in the appraisal system provided by a PCCO and if the appraisal is not conducted by the Trust in whose list they are included, sends that Trust a copy of the statement summarising that appraisal. (special provisions apply to armed forces GPs);

- To co-operate with an assessment by the National Clinical Assessment Authority (NCAA), when requested to do so by the PCCO;

- Not to perform any primary medical services in the area of another PCCO or equivalent body from whose medical performers list, medical list, services list, supplementary list or equivalent list they have been removed, except where that removal was at their request or because no services had been performed within the specified time, without the consent, in writing, of that Trust or equivalent body;

- If a GP Registrar, unless they have an acquired right under the Vocational Training Regulations, an undertaking not to perform any primary medical services, except when acting for and under the supervision of, their GP Trainer; to withdraw from the medical performers list if leaving before satisfactorily completing vocational training; to apply for a certificate of experience under the Vocational Training Regulations, as soon as they are eligible to do so, and to provide the PCCO with a copy of any such certificate;
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- To supply an enhanced criminal record certificate in relation to themselves, if it at any time, for reasonable cause, the PCCO requests them to provide such a certificate;

- To comply with any specific undertaking they gave on admission to that list or to any Medical Services or Supplementary list from which they have been transferred.

**The PCCO’s decision**

There are certain circumstances in which PCCOs must refuse an application. In other circumstances a PCCO may refuse admission, defer a decision or accept the applicant onto the list with conditions.

Applications must be refused if:

- There is no satisfactory evidence of an intention to perform primary medical services in the PCCO area (does not apply in the case of an armed forces GP);

- The PCCO is not satisfied they have the necessary knowledge of English;

- The applicant has been convicted in the United Kingdom of murder;

- The applicant has been convicted in the United Kingdom of a criminal offence, committed on or after 3 November 2003 (or, if the applicant had previously been included in a medical or a supplementary list, 14th December 2001), and has been sentenced to a term of imprisonment of over six months. The Rehabilitation of Offenders Act 1974 does not apply to GPs and therefore spent convictions must also be disclosed to the PCCO although disclosure will not automatically lead to a refusal;

- The applicant has subject to a national disqualification;

- There is inadequate information;

- The applicant is unwilling to accept conditions imposed after an appeal against their imposition.

A PCCO has discretion to refuse applications if:

- Having considered the application and any other information or documents in its possession relating to them, it considers that they are unsuitable to be included in its performers list;

- It is not is not satisfied with the references;

- Having considered information from the NHS Counter Fraud and Security Management Service, and any other facts in its possession relating to fraud involving or relating to them, it considers these justify refusal;

- Having considers information from the Secretary of State, relating to past or current investigations or proceedings involving or related to the performer, and, having considered these and any other facts in its possession involving or relating to the performer, it considers these justify refusal;

- There are any grounds for considering that admitting them to its performers list would be prejudicial to the efficiency of primary medical services;

- Their registration in the register of medical practitioners is subject to conditions or an order by the GMC or its committees;

- In the case of a contractor more of the practice patients reside in the area of another PCCO or the practice is not in the area of that PCCO;
The applicant is included in the medical performers list of another PCCO, unless notice has been given to that PCCO that they wish to withdraw from that list.

A PCCO may defer an application when information is not available or investigations or criminal proceedings are in progress. When reconsidering a deferred application a PCCO will require the doctor to provide updated information. There is no right of appeal against a decision to defer an application.

A PCCO may include a doctor on its list with conditions, a "conditional inclusion".