

From the President:
Professor Russell Viner

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Professor Sir Terence Stephenson
Chair
General Medical Council
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Mr Charlie Massey
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Dear Terence and Charlie

I am writing to raise a question regarding the new AoMRC guidance on reflective practice, which was released to us in draft on 4th September and was published on 12th September. The GMC has, of course, been actively involved in the formulation of this document. The question is whether, in the course of its Fitness to Practise (FtP) work, the GMC may require third-party data controllers (such as Medical Royal Colleges) to release doctors' reflective notes.

To recap briefly the history of this issue: it was first raised when my predecessor Neena Modi and other colleagues met with you both on February 27th 2018. At that meeting, the RCPCH shared with you a standard GMC letter in which you had sought details of the performance of a doctor undergoing your FtP investigation process. Having taken legal advice, our view of the letter was that it might require us to disclose confidential reflections written by our trainees and held on our IT systems. The RCPCH asked you on that occasion to give an assurance that you were not seeking reflections through these letters; you declined to give that assurance. This was a concerning view for us and our members, and was reflected in our public statement about the meeting.

At our Annual Conference in Glasgow on 13th March, Terence gave verbal remarks explicitly ruling out seeking reflections from third parties such as the RCPCH. In addition, in a response on the RCP website about the issue (<https://www.rcplondon.ac.uk/news/role-reflection-post-bawa-garba-era>), you summarised the GMC's view as follows:

In recent months colleagues from royal colleges have raised questions about the wording of one of our standard investigation letters, which was intended to seek evidence of support for the doctor and/or concerns. Although the letter does not ask colleges to provide reflective statements, we agreed this is not as clear as it should be.

We are reviewing all of our documentation to make sure that they are absolutely clear that we do not ask for reflective notes from third parties in order to investigate a concern.

In this context, we were expecting that future guidance on reflection that had your involvement would state the same position.

Our CEO, Jo Revill, met with Charlie on 23rd August and discussed this issue. Jo left that meeting with the strong impression that the issue had not been addressed in the current draft of the reflective practice guidance but that this was an oversight, soon to be corrected.

In this context, it was disappointing and concerning to see that the draft and published guidance does not address the issue. It simply gives doctors the assurance that reflective notes will not be sought directly from them in FtP processes, without addressing the loophole about the GMC seeking them from third parties (p 10 of the main guidance document). Unfortunately, not having seen the final guidance prior to 4th September, we were unable to raise the issue earlier.

On the assumption that the view expressed by Terence on 13th March is indeed the settled position of the GMC, can I suggest that the following two remedial actions would be appropriate:

- Issuing a public addendum/correction to the reflective practice guidance to state explicitly that the GMC will never seek reflective notes from third parties acting as data controllers.
- Sharing with Colleges (presumably via the Academy) the revised template documentation referred to by Terence above.

I am, of course, happy to discuss this with you or your colleagues as needed. I am sure you appreciate the degree of concern this issue has provoked, particularly among our trainees.

With kind regards

Yours sincerely

A handwritten signature in black ink, appearing to be 'R. Viner', written over a horizontal line.

Professor Russell Viner
President

cc: Professor Carrie MacEwen, Chair, AoMRC
Mr Alastair Henderson, Chief Executive, AoMRC