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Covid-19: Doctors working outside their expertise are unlikely to face GMC charges

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Doctors working outside their usual area of practice with limited or no support or guidance on how to work safely during the covid-19 pandemic are unlikely to face General Medical Council charges even if a patient has been harmed, new guidance from the regulator states.¹

At the height of the pandemic, many doctors were required to work in unfamiliar surroundings or circumstances or in clinical fields other than their own, as hospitals filled up with patients with covid-19 and other work was put on hold. Many who had left practice came back to help fight the virus.

The guidance for GMC staff considering complaints about doctors aims to help them assess the overall risk to public protection posed by a doctor's conduct during a pandemic which placed unprecedented demands on the healthcare system. The guidance should allow many complaints to be dismissed without a full fitness to practise investigation.

Examples of conduct unlikely to raise a question about a doctor's fitness to practise include raising concerns about the availability or suitability of personal protective equipment (PPE), as long as the way the concerns were raised did not involve any misconduct. Doctors who reduced or reused the amount of PPE they wore in the face of diminishing stocks are also unlikely to face charges if they raised concerns with "suitably qualified colleagues."

The guidance recognises that doctors from some ethnic minorities were at higher risk both of catching the disease and of dying, and includes that fact among the circumstances to be taken into account. Other factors include access to PPE, staff shortages, and "changing and sometimes conflicting guidance."

The GMC guidance acknowledges that some allegations against a doctor may initially seem serious but further information could indicate that the doctor's conduct was reasonable in the circumstances of the pandemic. Examples include cases where the doctor did not treat a patient because of a lack of PPE "but the doctor was at a higher risk of infection and had raised concerns with their employer or tried to make alternative arrangements for the patient where treatment services were available."

¹ General Medical Council. Covid-19: Assessing the risk to public protection posed by a doctor as a result of concerns about their practice during the pandemic. 14 September 2020. www.gmc-uk.org/-/media/documents/dc13028-guidance-for-decision-makers-on-covid-19-external-version-_pdf-83985701.pdf.