



**Comhairle na nDochtúirí Leighis
Medical Council**

Professional Competence
Reaching for Improvement



**The Medical Council's
performance procedures
and activities**

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**Information for Employers
and the Workplace**



What are the performance procedures and activities?

The Medical Council regulates doctors who practise medicine in Ireland. Since May 2011, when statutory professional competence requirements came into effect, doctors have a legal duty to keep their knowledge and skills up to date to support them to do their job to acceptable standards.

Sometimes concerns arise with a doctor's practice. Many such concerns are handled locally between the doctor and their employer. Where concerns are brought to the attention of the Medical Council, they may be addressed using health or disciplinary procedures or alternatively, the Council may seek to resolve these using performance procedures and activities. These include an assessment to confirm that the doctor has the knowledge and skill to practise satisfactorily. Based on the assessment, if necessary, a doctor may be required to follow up with prescribed actions to ensure that their knowledge and skill is maintained to acceptable standards.

This information is published by the Medical Council. The content is information and does not constitute rules, standards or guidelines as defined under the Medical Practitioners Act 2007. For ease of reading, the term "doctor" is used with the same meaning as "registered medical practitioner" in the Medical Practitioners Act 2007 (MPA 2007).

Why are performance procedures and activities in place?

The Medical Council operates these performance procedures and activities to protect the public by ensuring that doctors are keeping their knowledge and skills up to date.

Who does this apply to?

Any doctor may be asked by the Medical Council to participate in its performance procedures and activities to confirm that their practice is satisfactory. Doctors are required by law to cooperate with such a request. In general, the Medical Council will make this request where there is a concern about a doctor's practice and it considers it to be in the interest of the public and the doctor to resolve this concern. A concern may be raised by a patient, a relative, an employer, another doctor or healthcare professional or the Medical Council by way of a complaint. Further information on making a complaint to the Medical Council is available at www.medicalcouncil.ie.

What do the procedures and activities involve?

The Medical Council contacts the doctor who has been asked to participate in its performance procedures and activities. Information is gathered about their practice to help plan the assessment visit. Every doctor's practice is different and this information is used to help plan the assessment of the doctor's knowledge and skills. The doctor takes part in a survey which gathers feedback about their knowledge and skills from other doctors, other healthcare professionals and from patients. This is known as Multisource Feedback.

An assessment team then visits the doctor at their place of work and examines the doctor's performance in practice. The team includes other doctors as well as a patient representative who have been trained to assess doctor's performance using methods and instruments approved by the Medical Council.

The assessment visit includes a review of the context of the doctor's practice, a review of patient records, observing the doctor interacting with patients and interviewing the doctor to understand how they work with patients. A report is then provided to the doctor, which

describes areas where practice is satisfactory and any areas where action may be required. The Medical Council reviews this report with the doctors and ensures that they complete any action required to keep their knowledge and skill up to date so that they do their job to acceptable standards. The Medical Council has the power to affect the doctor's registration if this action is required to protect patients and to ensure safe practice.

Does this mean there is a problem with the doctor?

The Medical Council operates its performance procedures and activities as a safeguard to protect the public and to help doctors to keep their knowledge and skill up to date. If the Medical Council has asked a doctor to participate in its performance procedures and activities, this does not mean there is a problem. In many cases, assessment of the doctor's knowledge and skill will confirm that their practice is satisfactory. In some cases, there will be areas identified where the doctor will benefit from action to improve their knowledge and skills and the Medical Council will work with the doctor to ensure that this action is completed. In this way, the Medical Council's performance procedures and activities help to reassure the public and support doctors to continue to practise to acceptable standards throughout their professional lives.

How is the doctor's employer and workplace involved?

The performance procedures and activities include assessment to ensure that the doctor is satisfactorily keeping knowledge and skill up to date so that they do their job to acceptable standards. Therefore, the assessment is generally based at the doctor's workplace, and necessarily involves engagement and facilitation by the doctor's employer and workplace.

To support and facilitate the performance procedures and activities, the Medical Council will ask the participating doctor to nominate a person who will act as a liaison point. This person could be, for example, a Clinical Director, a Principal GP, Medical Manpower Manager or CEO.

There are a number of ways in which the employer and the workplace, through this liaison person, facilitates the performance procedures and activities. To help plan the assessment visit, information about the doctor's practice will be requested using a standard form. In general, before the assessment visit, a survey of feedback from other doctors, other healthcare professionals and from patients will be completed. The participating doctor and the liaison person are both asked to identify respondents for this survey. The liaison person will also be asked to facilitate logistics for the assessment visit, such as access to patient records and ensuring that there is space available for the assessment team to review these. There will also be engagement with the liaison person in relation to actions arising from the assessment visit for the doctor and/or workplace to address patient safety and to ensure good professional practice.

The Medical Council will work with the liaison person to ensure that the performance procedures run smoothly and are completed as timely and comprehensively as possible. This is in the best interest of the public, the doctor and the workplace.

How are patients involved?

Patients are involved in a number of ways. Patients may be asked to complete a survey to give feedback on a doctor. Patients may be asked if a Medical Council assessment team may observe their interaction with the doctor and the assessment team may look at patient records. The team itself includes a patient representative who is not a doctor and who ensures that the patient's point of view is taken into account at all times.

What is the legal framework behind the performance procedures and activities?

Part 11 of the Medical Practitioners Act provides the legal mandate for the Medical Council's performance procedures and activities. There is a legal duty on doctors to cooperate with the procedures and activities under Section 94 of the Act. Finally, there is also a legal duty on employers of doctors (including the Health Service Executive and other employers) to facilitate the procedures and activities under Section 93 of the Act.

Will this be confidential?

It is recognised that doctor's asked to participate in the Medical Council's procedures and activities will find the experience sensitive and challenging. It is important that the confidentiality of information relating to the procedures and activities is preserved and not disclosed to third parties except where this is necessary to perform or assist with the procedures and activities. This is a legal duty under Section 95 of the Medical Practitioners Act.

The doctor's workplace and employers also have duties with regard to maintaining the confidentiality of patient data which they may control. The assessment visit generally involves a review of patient records. Such a review is only ever conducted by trained and accredited assessors who are medical doctors and therefore subject to ethical duties under the "Guide to Professional Conduct and Ethics for Registered Medical Practitioners" in relation to patient records and confidentiality. The assessors access to these records is empowered by rules which underpin the performance procedures and activities.

How will this improve patient safety?

The Medical Council's performance procedures and activities are a new way through which it protects the public. The Medical Council can now ask a doctor to participate in an assessment and to undertake follow-up action to ensure that their practice is satisfactory. This will help to reassure the public and to support doctors to continue to practise to acceptable standards throughout their professional lives.

Information

To find out more about the role of the Medical Council and to read further detailed information about professional competence, visit our website www.medicalcouncil.ie. You can contact us at: 01 4983100 or info@mcirl.ie



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