



Royal Pharmaceutical Society of Great Britain

Helping pharmacists achieve excellence

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Dear Michael

General Medical Council consultation on Fitness to Practise: The Standard of Proof

The Royal Pharmaceutical Society is pleased to participate in the GMC's consultation on the proposed introduction of the civil standard of proof at Fitness to Practise hearings.

The civil standard is already used at hearings before the Society's Statutory Committee, in cases where facts are disputed between the parties. It is the Society's experience that the civil standard does not create a greater risk of injustice, particularly since the "flexible" application of this standard means that more cogent evidence is required in more serious cases. In practice, the level of cogency required in the most serious cases (where the Committee will be considering removal) is not far removed from the criminal standard of proof. This helps to safeguard the practitioner's right to a fair trial.

In addition, the lower standard of proof might encourage practitioners to admit disputed facts in cases that are at the lower end of the spectrum of seriousness, thereby removing the need for factual witnesses to testify in person and reducing the inconvenience and distress to these witnesses.

From a procedural perspective, both parties are afforded the opportunity to make representations, at the outset and during the hearing, in relation to the perceived seriousness of the allegations. It is open to the Chair to indicate at the outset or during the hearing, the Committee's view on the degree of seriousness of the allegations and consequently the level of cogency required in the evidence.

The hearings before the Society's Statutory Committee are of course public hearings, and we would be pleased to make available their public determinations for a given period if the GMC wishes to review the type of representations made in relation to different allegations.

Yours faithfully

Miss Mandie Lavin
Director of Fitness to Practise & Legal Affairs