

## Reviews

### **Disciplining and Dismissing Doctors in the National Health Service.**

By Tony Bumbry and Angus McGregor, Keele:  
Mercier Publications 1988. Pp. 160. £8.95.

After reading this little book for a while, a hair on the back of my neck began to stand on end. This is a cautious, thorough and merciless description of how to remove me from my consultant job. The contents are exactly what the title states – how to discipline and dismiss doctors within the National Health Service and remain inside the law. Clearly both these procedures are fraught with pitfalls and a very thorough working knowledge of the relevant regulations and extremely detailed attention to the minutia is required to be successful, that is at least reassuring. The authors write about “your authority” and are clearly addressing managers within the Health Service trying to dismiss doctors. It is written rather like a primer for chess with a description of the move the manager should make and the likely move that will result from the doctor or his defence organisation.

The first section is relatively innocuous but not very well informed in describing becoming and being a consultant. For example, it describes the usual course as spending two years in a registrar post and obtaining the consultant post at about the age of 32. Would that it were so!

The second part gets into the main business of the book in discussing which procedure to follow and then the detailed procedures available. The options available to the manager include personal conduct; professional conduct and competence; illness, disability and addiction; legal bar on employment; some other substantial reason and qualifications; industrial action. The manager is advised to be quite sure what each of these categories implies and then to know the procedure which should be followed for the option chosen. It is the responsibility of the Health Authority to decide into which category the case falls and to institute the correct procedure following the situation or behaviour of a doctor that had precipitated it.

Graphic examples are given of some of the categories: “For example, a drunken surgeon causing a fracas in a police station or in the staff common room at his hospital is engaging in personal misconduct. But if he is under the influence of alcohol during an operation, that is professional misconduct”. Neat flow diagrams outline the steps that the manager should follow in each case and the relevant official documents are quoted and interpreted so that the

manager carrying out the procedure will not make mistakes.

The chapter on ‘Illness, Disability and Addiction’ is of interest to a psychiatrist. It describes the three wise men procedure and the process of reporting to the General Medical Council. It also includes a section on local sickness and injuries procedures.

Legal bar on employment most commonly results from loss of an essential driving licence and here it is, of course, important to see whether an alternative job that does not require driving is possible. Withdrawal of GMC registration also comes within this category and loss of registration implies automatic dismissal. Other reasons for disciplining and dismissing include refusal to comply with reorganisation and non-renewal of fixed term contracts; dismissal may occur for failure of the doctor to obtain necessary qualifications or make appropriate progress in training. Finally, grounds for dismissal include the doctor taking some type of industrial action.

The third part of the book is concerned with the common strands of the disciplining and dismissal process. This includes suspension; the investigation of the misdemeanour; the hearing of evidence; domestic appeals; Section 40 appeals made to the Regional Health Authority and the Secretary of State; Paragraph 190 appeal to the Secretary of State; the relevance of crime to the whole procedure; and alternatives to dismissal. One of the recurring theories of this section is why there should be procedures which are unique for doctors and not for other members of the National Health Service. The authors do not answer this query but imply that some of the procedures that only apply to medical staff have a historical origin which is no longer relevant.

This book should be on the shelves of all psychiatrists involved in any way in management. It is clearly written, illustrated with many useful case vignettes, and entirely practical in its intention. Reassuring aspects about the whole process are that the elaborate nature of disciplining and dismissing doctors makes it unlikely that the innocent will be victimised, the process is complex and the possibility of appeal is reassuring, and it is of course very important that there is an effective mechanism for removing villainous or incompetent members of our profession from their posts in which they can harm patients and bring discredit on the profession. This book should be available in district medical libraries for the use of doctors and managers alike.

A. C. P. SIMS

*Professor of Psychiatry  
The University of Leeds*