

## **PE1712/G**

General Medical Council Scotland submission of 30 September 2020

Thank you for your recent email requesting our views on the guidance available to doctors when writing soul and conscience letters. Charlie Massey has asked me to respond in my capacity as the Head of GMC Scotland.

As you may be aware, the General Medical Council is an independent organisation that helps to protect patients and improve medical education and practice across the UK.

- We decide which doctors are qualified to work here and we oversee UK medical education and training
- We set the standards that doctors need to follow, and make sure that they continue to meet these standards throughout their careers
- We take action to prevent a doctor from putting the safety of patients, or the public's confidence in doctors, at risk.

The GMC operates within the legal and legislative structures of the different jurisdictions of the UK.

### **Our guidance**

We publish standards of good practice which we expect all doctors to follow. Our standards are intended to apply to all doctors, of all grades and specialities, and across all four nations, so the guidance is necessarily high level and requires an element of professional judgement on application to individual circumstances.

Our core guidance, [Good medical practice](#), sets out the overarching expectations of doctors. For example, we would always expect doctors to act within their competence (paragraph 14) and follow relevant regulations or guidance (paragraphs 11-12).

In addition to our [Confidentiality](#) guidance, we have produced six pieces of supporting guidance on this topic including on [disclosing information for employment, insurance and similar purposes](#). This guidance sets out the standards of professional behaviour that we expect of doctors when writing these reports. In the guidance we talk about dual obligations, when doctors have a duty both to their patient and to another person or organisation that has requested information about the patient.

In the context of a soul and conscience letter, a doctor has an obligation both to their patient and to the court. When writing reports of this nature, doctors must make sure the information they give is not false or misleading; they must take reasonable steps

to check the information in the report is correct; and must not deliberately leave out relevant information. Doctors must also restrict the report to areas in which they have direct experience or relevant knowledge, make sure any opinion they include is balanced, and be prepared to explain the facts or assumptions on which they are based (see paragraph 7).

I hope that information is helpful in setting out the professional standards for doctors when completing reports of this nature. It would not be appropriate for us to give specific guidance on the quality or content of soul and conscience letters, beyond what we already say. It would appear from our perspective as though clarification on what soul and conscience letters should usefully contain would be best provided by the justice system.