

Protecting children and young people: the responsibilities of all doctors



Draft for consultation

Background and consultation questions

**General
Medical
Council**

Regulating doctors
Ensuring good medical practice

Please return your responses by 14 October 2011 to:

Child Protection Consultation
Standards and Ethics Team
General Medical Council
Regents Place
350 Euston Road
London NW1 3JN

Email: standards.consult@gmc-uk.org

Telephone: 020 7189 5404

Text phone: 18001 + 020 7189 5404

Other formats

Our consultation questionnaires are also available, on request, in alternative formats such as large print. If you would like to receive a copy of a consultation questionnaire in an alternative format please contact us to discuss your specific requirements in more detail.

Freedom of information

The information you provide in your response may be subject to disclosure under the Freedom of Information Act 2000, which allows public access to information held by the GMC. This does not necessarily mean that your response will be made available to the public as there are exemptions relating to, for example, information provided in confidence and information to which the Data Protection Act 1998 applies. You may request confidentiality by ticking the box below. We will take this into account if a request for your response is made under the Freedom of Information Act 2000.

Please tick if you want us to treat your response as confidential

About this consultation

The General Medical Council (GMC) is holding this consultation to seek your views on new draft guidance to doctors, *Protecting children and young people: the responsibilities of all doctors*.

We have developed the draft guidance to help doctors meet the professional standards expected of them when their work involves protecting children and young people from abuse and neglect. Its aim is to support doctors, whether or not they routinely see children or young people as patients, in this complex and challenging area of practice.

The consultation will interest doctors, young people, parents and carers with an interest in, or experience of, the issues addressed in the guidance, and organisations

that represent their interests. It will also interest other professionals that have a role in child protection work, for example, nurses, social workers, police and lawyers.

This is your chance to have your say. The consultation runs from **Monday 27 June 2011** to **Friday 14 October 2011**, after which we will use the responses we receive to produce the final version of the guidance in spring 2012.

Background

The GMC issues guidance to doctors on standards of professional conduct, performance and medical ethics.

Our core guidance to doctors *Good Medical Practice* (2006) describes what is expected of all doctors registered with the GMC. *Good Medical Practice* is supplemented by a range of more detailed guidance covering specific issues, including consent and confidentiality. You can read our guidance on our website at www.gmc-uk.org/guidance.

This draft guidance, *Protecting children and young people: the responsibilities of all doctors*, gives advice to doctors on confidentiality, consent, communicating with families, training, inter-agency working and giving evidence in court.

The draft guidance has been developed in the light of written and oral evidence from a wide range of individuals and professional bodies about the roles and responsibilities of all doctors working to protect children and young people. We are grateful to everyone that has taken the time to share their views and experiences with us so far.

The review of *Protecting children and young people: the responsibilities of all doctors*

The text of the draft guidance has been developed by the Child Protection Working Group set up by the GMC and led by Rt. Hon. Lord Justice Thorpe, Deputy Chair of the Family Justice Council and Lord Justice of Appeal.

For more information about the process to develop the guidance, visit our child protection guidance web page at www.gmc-uk.org/childprotection.

How can I respond?

The consultation runs from **Monday 27 June 2011 to Friday 14 October 2011**.

You can submit your response through the GMC's consultation website at <https://gmc.e-consultation.net/econsult>.

Alternatively, you can post it to the address on page 1 or email your response to standards.consult@gmc-uk.org. If you decide to email it, please write 'child protection' in the subject line.

You can also complete one of our separate, shorter questionnaires, which are available for respondents who wish to participate in the consultation but are unable to complete this more comprehensive questionnaire. There are two short questionnaires available; one aimed at doctors and other professionals, and the other designed for the general public. You do not need to read the draft guidance to respond to either of these questionnaires.

You only need to complete one questionnaire – just pick the one that best suits you.

You can download a pdf version of the questionnaire you are interested in completing and the draft guidance on our website at www.gmc-uk.org/childprotection.

But if you would like us to send you a hard copy version, please contact us using the contact details on page 1.

Questions about the draft guidance

There are 37 questions in this questionnaire. The questions breakdown as follows:

- questions 1 to 27 of the questionnaire ask about the draft guidance
- question 28 asks about equality and diversity issues
- questions 29 to 37 are general questions about the guidance.

We recommend that respondents are familiar with the draft guidance to respond to these questions. You can access the draft guidance on our child protection web page at www.gmc-uk.org/childprotection.

We do not ask questions about every paragraph of the draft guidance. But at the end of the questions relating to each section we offer the opportunity to provide any further comments on the relevant section of the draft guidance.

You can also give us your comments about the level of detail and any links you think we should include in your answers to the general questions at the end of this questionnaire (questions 29 – 37).

When answering the questions, please bear in mind that the GMC has a UK-wide remit and our guidance applies to all doctors on the register, whether or not they hold a licence to practise and regardless of specialty, grade and whether they work in the private or public sector.

Thank you

Thank you in advance for taking the time to complete this questionnaire.

If answering these questions leads you to have concerns about the practice of an individual doctor, you can access advice on what to do on our website at www.gmc-uk.org/concerns/index.asp.

Equality and diversity

We would be grateful for your views on the equality and diversity implications of the draft guidance.

As you answer the questions, please consider whether the principles in the draft guidance could have an impact on members of particular communities or groups. We would welcome any comments you might wish to make as you go through the questionnaire. When commenting on these issues, please also mention anything you can think of that might mitigate any adverse impact.

We have undertaken a draft equality analysis, which provides an overview of the work we are doing to inform our understanding of the equality and diversity dimensions of child protection issues. You can access the draft equality analysis on the consultation website at <https://gmc.e-consultation.net/econsult/>

The findings from this consultation and our programme of on-going engagement with individuals and groups from protected characteristics¹ will continue to inform the development of the equality analysis.

¹ The Equality Act 2010 specifies nine groups of individuals who have 'protected characteristics' which are covered by this legislation: age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, ethnicity, religion or belief, and sexual orientation.

Introduction and scope (paragraphs 1 – 4)

This section of the draft guidance sets out the scope of the guidance, the audience it is intended for, and how it relates to other relevant GMC advice.

- 1 Do you have any comments on paragraphs 1 – 4 of the guidance?
(If possible, please indicate which paragraph/s you are referring to)?**

Yes

No

Not sure

Please expand on your answer.

Principles (paragraph 5)

The eight core principles set out in the draft guidance are intended to guide all doctors when they see signs that raise concerns about the safety or well-being of a child or young person.

2 Do you think the eight core principles cover the most important duties that apply to all doctors where they have concerns about abuse or neglect?

Yes

No

Not sure

If not, please suggest what could be amended, added to or removed from the list of core principles.

Identifying children and young people at risk of abuse and neglect (paragraphs 6 – 14)

Roles of all doctors (paragraphs 6 – 9)

Paragraphs 6 to 9 of the draft guidance explain that all doctors have a duty to protect children and young people from abuse and neglect, whether or not they routinely see children as patients. The draft guidance also places a duty on all doctors to identify when a patient’s family needs additional support, provide such support where that is part of their role, or refer the family to other health or local authority children’s services so that they can get help.

3 Do you agree that all doctors have a duty to identify patients in need of support, and to provide such support or refer them to other agencies?

Yes

No

Not sure

Please expand on your answer.

Findings from inquiry reports have suggested that when doctors are supporting families they can lose focus on the needs of the child.

4 Do you think the guidance correctly balances doctors’ duty to provide support and to intervene when children and young people need protection?

Yes

No

Not sure

Please expand on your answer.

Roles of doctors who work with children and young people (paragraphs 10 –14)

Paragraph 11 of the draft guidance addresses the need for doctors to consider all possible causes of a child's condition or injury, including illness, a medical condition, and abuse or neglect. Not considering all possible explanations for a child's condition or injury may lead to delays in getting them the treatment or help they need.

5 Do you think the advice about being open-minded when considering possible causes of a condition or injury in a child is clear?

Very clear Clear Neutral Unclear Very unclear

Please expand on your answer.

Paragraph 12 of the draft guidance states that doctors must be satisfied that the needs of children and young people who may be living in particularly stressful circumstances are being addressed.

6 Do you think we should provide more detailed advice about the steps doctors should take to meet this duty?

- Yes No Not sure

If yes, please provide suggestions about what additional advice we can provide.

Paragraph 13 of the draft guidance acknowledges that it can sometimes be difficult for doctors to identify where the boundary should be drawn between parents' freedom to bring up their children in accordance with their religious beliefs or cultural practice, and matters that give cause for concern about a child's well-being. In the guidance, we advise doctors that they must:

- a. make sure they are considering the issues impartially
- b. not allow their personal views about parents' religious and cultural practices to adversely affect decisions
- c. seek advice from a professional or service that has experience working with a particular community, or an experienced colleague
- d. take part in training on cultural diversity where possible.

7 Do you think there is more practical advice we could give to doctors?

- Yes No Not sure

If yes, please provide examples of additional steps doctors could take, or challenges to good decision making where these issues arise.

8 Do you think this advice will have any impact – either beneficial or adverse – on doctors, children, young people or families from particular religious or cultural groups? (Please tick the relevant boxes)

	Yes	No	Not Sure
Adverse impact			
Beneficial impact			

Please explain your answer, providing examples of groups that may be affected by this advice, and how any adverse impact can be mitigated.

9 Do you have any other comments about the advice in paragraphs 6 – 14? (If possible, please indicate which paragraph/s you are referring to)

Yes

No

Not sure

Your comments, if you have any.

Communication and support (paragraphs 15 – 23)

Communication with children and young people (paragraphs 15 –19)

In this section we give advice to doctors on communication with children and young people. It includes advice to:

- a. Respect the rights of children and young people.
- b. Listen to them and take their views seriously.
- c. Talk directly to them, taking into account their age and maturity.
- d. Meet their language and communication needs, for example, using an independent advocate or interpreter.
- e. Answer their questions honestly.
- f. Make sure they know who they can go to for help or support.
- g. Do not discount their views, concerns or fears because of their age.
- h. Be aware of how they may perceive the doctor-patient relationship.

10 Do you think this advice will help doctors to communicate well with children and young people of different ages and maturity?

Yes

No

Not sure

Please expand on your answer to include suggestions for additional advice we could give or examples of good practice.

Paragraph 15 of the draft guidance advises doctors that they must not rely on children or other family members to interpret for the parents where abuse or neglect is suspected.

11 Do you think this advice is practical?

Yes

No

Not sure

Please expand on your answer.

Communication with parents (paragraphs 20 – 23)

In most cases parents will be the best source of information about their child and doctors will work collaboratively with them. But in a minority of cases parents are lying and doctors must question their explanations of injuries or events.

12 Do you think the draft guidance provides the right balance between trusting and questioning parents?

Yes

No

Not sure

Please expand on your answer.

13 Is there any additional advice we should provide to doctors working with children, young people or parents who have communication needs, such as a disability or where English is not their first language?

Yes

No

Not sure

If yes, please provide suggestions for additional advice we could give to doctors.

14 Do you have any other comments about the advice in paragraphs 15 – 23? (If possible, please indicate which paragraph/s you are referring to)

Yes

No

Not sure

Your comments, if you have any.

Confidentiality and information sharing (paragraphs 24 – 41)

Sharing information (paragraphs 32 – 37)

Paragraphs 32 – 37 of the draft guidance provide advice on when to share concerns about abuse or neglect. It breaks down the decision making process to reflect the levels of uncertainty that doctors may face in these circumstances.

15 Do you think this advice is helpful?

Yes

No

Not sure

Please expand on your answer, providing alternative approaches if you find this advice unhelpful.

What information should be shared? (paragraph 41)

16 Do you think the guidance in paragraph 41 could include additional advice about what information should be shared?

Yes

No

Not sure

Please expand on your answer.

17 Do you have any other comments about the advice in paragraphs 24 – 41? (If possible, please indicate which paragraph/s you are referring to)

Yes

No

Not sure

Your comments, if you have any.

Record keeping (paragraphs 42 – 49)

Paragraph 45 of the draft guidance advises doctors that when concerns about abuse or neglect are shown to be unfounded or unsubstantiated, this should be recorded clearly in the child's medical record and in the parents' record where the concerns related to them, and explain to them why this information will continue to be recorded.

18 Do you think this course of action will meet a child or family's need for 'closure'?

Yes

No

Not sure

If not, can you suggest other ways that doctors can support children and their parents in these circumstances?

19 Do you have any other comments about the advice in paragraphs 42 – 49? (If possible, please indicate which paragraph/s you are referring to)

Yes

No

Not sure

Your comments, if you have any.

Consent to examination or investigation where abuse or neglect is suspected (50 – 61)

This section advises doctors that they must seek consent to examine a child or young person, including where abuse or neglect is suspected, and they should usually respect a competent young person's decision to refuse an examination, even if this will affect the quality of forensic evidence available.

20 Do you think the advice provides the right balance between respecting a child or young person's decision to refuse an examination and the need to protect them?

Yes

No

Not sure

Please expand on your answer.

21 Do you have any other comments about the advice in paragraphs 50 – 61? (If possible, please indicate which paragraph/s you are referring to)

Yes

No

Not sure

Your comments, if you have any.

Working together (paragraphs 62 – 66)

Participation in meetings (paragraphs 65 – 66)

This section provides advice about participating in child protection procedures, including attending child protection meetings.

22 Do you think this advice is helpful for doctors in managing situations when child protection meetings are organised at short notice or start at inconvenient times?

Yes

No

Not sure

Please expand on your answer, including examples of other ways doctors can contribute effectively to child protection meetings.

23 Do you have any other comments about the advice in paragraphs 62 – 66? (If possible, please indicate which paragraph/s you are referring to)

Yes

No

Not sure

Your comments, if you have any.

Training and development (paragraphs 67 – 69)

In this section we have included advice to doctors about maintaining and further developing their knowledge and skills to protect children and young people.

24 Do you have any comments about the advice in paragraphs 67 – 69? (If possible, please indicate which paragraph/s you are referring to)

Yes

No

Not sure

Your comments, if you have any.

Doctors giving evidence in court (paragraphs 70 – 91)

25 Is the draft guidance clear about the difference between the role of an expert witness and of a witness of fact?

Very clear Clear Neutral Unclear Very unclear

Your comments, if you have any.

The advice for doctors giving evidence to court could be published separately, reducing the length of the document, but possibly making it difficult to locate all the GMC's guidance on child protection, for those who need it.

26 Do you think the advice for doctors giving evidence to court should be included as part of the main guidance document?

Yes No Not sure

Your comments, if you have any.

27 Do you have any other comments about the advice in paragraphs 70 – 91? (If possible, please indicate which paragraph/s you are referring to)

Yes

No

Not sure

Your comments, if you have any.

Equality and diversity

28 Do you think we have adequately reflected equality and diversity issues throughout the draft guidance? (Please see the equality analysis for further information about equality and diversity issues)

Yes

No

Not sure

Please expand on your answer.

General questions about the guidance

29 Do you think the draft guidance will be relevant to all doctors, whether or not they routinely see children or young people as their patients?

Yes

No

Not sure

Please expand on your answer.

30 Are there any relevant issues covered in the guidance that could usefully be explored in more detail as supplementary guidance, case studies, fact-sheets or other learning materials?

Yes

No

Not sure

Please expand on your answer, including whether materials should be aimed at all doctors or particular specialities such as paediatricians, GPs or psychiatrists.

31 Overall, do you think the draft guidance contains the right level of detail?

Too detailed

About right

Not detailed enough

If you can, please indicate the issues on which you think there is too much or too little detail.

32 Do you think the draft guidance accurately reflects the law that applies to protecting children and young people where you live or work?

Yes

No

Not sure

If no, please indicate the piece of legislation and say why not.

33 Can you point to any other guidance documents, information or resources that would be useful to refer to in the guidance? These might include, for example, other guidance about information sharing, seeking consent, or record keeping?

Yes

No

Not sure

If yes, please identify the piece of guidance or information.

34 Are there any conflicts between this draft guidance and guidance published by other relevant organisations such as the Department for Education, or Royal Colleges.

Yes

No

Not sure

If yes, please identify the conflicts as specifically as you can, providing details of the guidance and where it is published.

35 Can you identify any changes to your practice that would be needed in order to meet the standards set out in the guidance? (For example, how you work with local agencies)

Yes

No

Not sure

If yes, please provide examples of the changes.

36 Do you have any comments about the consultation questionnaire?

Yes

No

Your comments, if you have any.

37 Do you have any comments on the consultation process?

Yes

No

Your comments, if you have any.

Thank you! Please now tell us about yourself as this will help us make decisions about how to use the consultation responses to redraft the guidance.

About you

Finally, we would appreciate you providing the following information about yourself to help us analyse the consultation responses.

Your details

Name
Job title (if responding as an organisation)
Organisation (if responding as an organisation)
Address (optional)
Email (optional)
Contact tel

Would you like to be contacted about GMC consultations in the future?

Yes

No

If you would like to know about upcoming GMC consultations, please let us know which areas of the GMC's work you are interested in:

Education

Standards and ethics

Fitness to practise

Registration

Licensing and revalidation

Data protection

The information you supply will be stored and processed by the GMC in accordance with the Data Protection Act 1998 and will be used to analyse the consultation responses, check the analysis is fair and accurate, and help us to consult more effectively in the future. Any reports published using this information will not contain any personally identifiable information. We may provide anonymised responses to the consultation to third parties for quality assurance or approved research projects on request.

Responding as an individual

Are you responding as an individual?

Yes

No

If yes, please complete the following questions. If not, please complete the 'responding on behalf of an organisation' section below.

Which of the following categories best describes you?

Doctor

Medical educator (teaching, delivering or administrating)

Medical student

Member of the public

Other healthcare professional

Other (please give details)

What is your country of residence?

England

Northern Ireland

Scotland

Wales

Other (European Economic Area)

Other (rest of the world)

If other, please specify _____

Information about you

To help ensure that our consultations are reflecting the view of the diverse community, please fill in the information below. Although we will use this information in our analysis of the consultation response, it will not be linked to your response.

What is your age?

Under 25

25 – 34

35 – 44

45 – 54

55 – 64

65+

Are you:

Female

Male

Would you describe yourself as having a disability?

Yes

No

What is your ethnic origin? (Please tick one)

Asian or Asian British

- Bangladeshi Indian Pakistani
- Any other Asian background, please specify _____

Black or Black British

- Black or Black British African Caribbean
- Any other Black background, please specify _____

Chinese or other ethnic group

- Chinese
- Any other background, please specify _____

Mixed

- White and Asian White and Black African White and Black Caribbean
- Any other mixed background, please specify _____

White

- British Irish
- Any other white background, please specify _____

Responding as an organisation

Are you are responding on behalf of an organisation?

Yes

No

If yes, please complete the following questions. If not, please complete the 'responding as an individual' section above.

Which of the following categories best describes your organisation?

Body representing doctors

Body representing patients or public

Government department

Independent healthcare provider

Medical School (undergraduate)

Postgraduate medical institution

NHS/HSC organisation

Regulatory body

Other (please give details)

In which country is your organisation based?

UK wide

England

Scotland

Northern Ireland

Wales

Other (European Economic Area)

Other (rest of the world)

London

Regent's Place, 350 Euston Road, London NW1 3JN

Manchester

3 Hardman Street, Manchester M3 3AW

Scotland

5th Floor, The Tun, 4 Jackson's Entry, Holyrood Road, Edinburgh EH8 8PJ

Wales

Regus House, Falcon Drive, Cardiff Bay CF10 4RU

Northern Ireland

9th Floor, Bedford House, 16–22 Bedford Street, Belfast BT2 7FD

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