

# Practice Privileges Policy

DATE April 2024 REVIEW DATE April 2027

Reviewer Name : Jill du Toit

## 1.0 Purpose

1.1. This document provides details of the requirements under which licensed registered medical practitioners may be granted permission by The Lomond Clinic to undertake the care and treatment of patients on behalf of The Lomond Clinic.

1.2. Practising Privileges are a discretionary personal licence to undertake consultations, diagnosis, and treatment in accordance with relevant legislation, regulation, the General Medical Council's (GMC's) Good Medical Practice 2013 Nursing Medical Council (NMC) code of conduct 2015.

1.3. The Lomond Clinic Owner as Nominated Individual on behalf of the company and as the Registered Owner has operational and regulatory responsibility for all activities within the service.

1.4. Except where an express written contract of direct employment is entered into with The Lomond Clinic, all Medical Practitioners granted Practice Privileges with respect to The Lomond Clinic are independent self-employed contractors.

1.5. Whilst Medical Practitioners with Practice Privileges are independent self-employed contractors, The Lomond Clinic Owner and Registered Manager, are required to demonstrate that all those engaged under Practice Privilege arrangements or directly employed or for the purposes of carrying out the regulated activity treatment of disease, disorder or injury are 'fit and proper persons' (as defined in Regulation 19 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (the Regulations), and similar for Wales and Scotland). "Fundamental Standards" (previously "Essential Standards") are now in place and must be adhered to.

2.0 Organisational Structure within The Lomond Clinic for the oversight of granting Practice Privileges.

2.1. The Owner. The Lomond Clinic as Nominated Individual on behalf of the company has operational responsibility for all activities within the service including the granting and removing of Practice Privileges.

2.2 Registered Manager. The Registered Manager is responsible for the operational and regulatory activity of treatment for disease disorder or injury for The Lomond.

2.3 The Owner for The Lomond Clinic is responsible for the oversight of clinical governance of medical practitioners reporting directly to the board. Their responsibilities include but are not limited to:

- providing professional leadership
- overseeing clinical governance, quality and safety.

2.4 Designated Body Most GMC-licensed doctors (or NMC – registered nurses) should have a connection with one organisation which supports them with annual appraisal and revalidation. This organisation is referred to as their 'designated body'.

2.5 Medical Practitioners. Medical practitioners' responsibilities in line with the Medical Practitioners Assurance Framework 2019 issued by the Independent Healthcare Providers Network and NHS Confederation

- To practice in accordance with the requirements of the GMC/NMC in line with Good Medical Practice.
- To be personally accountable for their professional and ethical practice and to be prepared to justify their clinical decisions and actions to Clinical Partners.
- To ensure their awareness of, and compliance with, their legal and other responsibilities for their patients, including the Competition and Markets Authority's Private Healthcare Order 21 and NHS conflict of interest guidance.
- To demonstrate high standards of professional behaviour whilst working for The Lomond Clinic and to expect discussions about professional behaviour to form part of both applications for and review of, practising privileges and part of any recruitment or appraisal process for any directly employed medical practitioner.
- To work in line with the requirements of The Lomond Clinic Practising Privileges Policy, Clinicians Terms and Conditions, the policies and systems for clinical governance, audit, complaints handling, records management and all other relevant Lomond Clinic policies.
- To engage with and contribute all necessary data when requested to as part of an annual review of practising privileges including ensuring that the provider and Responsible Officer has all the information necessary for a robust review of the entire scope of their practice. Practising privileges are generally reviewed by The Lomond Clinic annually for medical practitioners with NHS practice.
- To report incidents, complaints or concerns to the provider and Responsible Officer, whether about their own practice or other clinicians, or wider issues in the service, and to take an active part in investigations and share learning. Granting, renewal, suspension and withdrawal of Practice Privileges.

### 3.0. Eligibility for Practising Privileges

3.1. All Medical Practitioners should be "Individuals" and not a partnership or organisation. They must hold a GMC/NMC licence to practise. The title Practising Privileges denotes that Medical Practitioners are "practising" and therefore require a licence as defined by the GMC/NMC. Practice privileges cannot be granted to partnerships or organisations as the exemption only applies to "Individuals".

3.2. Medical Practitioners will usually hold a substantive post in the NHS, however this is not always required and applications may also be accepted from doctors who have a Designated Body other than the NHS.

#### 4.0 Application process

4.1 Medical Practitioners meeting the eligibility criteria may contact The Lomond Clinic via the organisations web site or by phone, e-mail or in writing to the owner.

4.2 The Lomond Clinic will require the following information to consider on application for Practising Privileges in line with the Medical Practitioners Assurance Framework 2019:

- Standard dataset and ID check: proof of identity including a recent photograph, basic demographic/identity information, work permit (if necessary), ICO registration or exemption, evidence of compliance with relevant mandatory training, CV with explanations of gaps in employment history. Two references, name of designated body and Responsible Officer.
- Disclosure and Barring Service certification. All Medical Practitioners will have to provide a new disclosure certificate at enhanced level every three years and as a pre-condition for retaining Practice Privileges.
- Satisfactory evidence of conduct in previous employment.
- Current registration with the General Medical Council or Nursing Medical Council, entry on the specialist register and any other appropriate professional registrations.
- Valid certificate of adequate insurance cover through an insurance company or medical indemnity cover through a Medical Defence Organisation to an appropriate level. Medical Practitioners must also provide information on previous/pending claims.
- All locations where the applicant holds practising privileges or works as a doctor/nurse.
- Evidence of participation in annual whole practice appraisal. To include sharing of appraisal summaries and PDPs as a minimum and relevant information from whole practice appraisals if the summaries and PDPs are not sufficient The Lomond Clinic will consider a mandatory requirement of at least one whole practice appraisal before medical practitioners practising in the UK can apply for Practising Privileges.
- Description of scope of practice. Volume of work in each area of practice and registries where outcome data is shared.
- Evidence of participation in quality improvement activities.
- Immediacy of availability of attendance, i.e. minimum availability/travel distance requirements and the requirement to have back-up for known non-availability appropriate to the level of care being delivered.

4.4 Applicants will be interviewed in person by the owner or via video link.

4.5 The applicant will be informed in writing of the outcome of their application. Where Practice Privileges have been declined, The Lomond Clinic are under no obligation to provide a reason for doing so.

4.6 If successful the applicant will receive a copy of the Clinicians' Terms and Conditions, a welcome pack and an induction session to introduce The Lomond Clinic and also act as a point of contact for questions or concerns. This induction will ensure that the Medical Practitioner knows how to access policies and procedures including the consent and safeguarding policies and reporting concerns and other reporting procedures. There will also be instruction of The Lomond Clinic online systems.

#### 5.0 Renewal of Practice Privileges

5.1. Practice Privileges will be formally reviewed every two years. This will take the form of a review by the owner and at their discretion. This review will consider engagement with The Lomond Clinic and compliance with the Medical Practitioner's agreed scope of practice, satisfactory participation in annual appraisal and processes required for revalidation, and compliance with this policy.

5.2 Dataset to be considered in an annual review of practising privileges in line with the Medical Practitioners Assurance Framework 2019:

- Updated dataset required on renewal application (as above).
- Review of and compliance with the agreed scope of practice. Including a discussion about required volumes of activity and/or ensure practice is sufficient to maintain competency.
- Review of clinical audit, clinical metrics or clinical outcomes data derived from the organisations clinical governance systems.
- Relevant registry data where appropriate,
- Review of adverse events and outcomes.
- Investigated complaints and outcomes.
- Concerns, investigations or changes to practice in other hospitals where the practitioner works.
- Concerns, investigations or changes to recognition from an insurer or commissioner.
- Other concerns relating to the practitioners work; including those related to non-technical/soft skills such as situational awareness, coping with stress, etc.
- Consideration of professional behaviour, including: patient is the first concern, commitment to quality and safety, collaborative team working, openness and transparency, fairness, honesty, integrity, insight into strengths and weaknesses, commitment to reflection and learning in line with the General Medical Council's or Nursing Medical Council's Good medical practice guidance.
- confirmation of participation in relevant mandatory training:
  - o Basic Life Support (including Paediatric BLS where relevant)
  - o Health & Safety
  - o Information Governance
  - o Protection of Vulnerable Adults

o Safeguarding Children

o Mental Capacity Act.

5.3 The Medical Practitioner will be notified in writing by the owner of the decision to renew or decline their application.

5.4 A Medical Practitioner may be granted Practice Privileges, at the owners discretion.

6.0 Restriction, Suspension or Withdrawal of Practice Privileges

6.1. Practice Privileges may be restricted, suspended or withdrawn by the owner at any time when concerns have been raised about a Medical Practitioner's conduct or performance.

6.2. As described above where there are concerns about patient welfare, unsatisfactory clinical practice, professional or personal misconduct, or failure to adhere to Good Medical Practice the owner will, restrict, suspend or withdraw Practice Privileges.

6.3. The owner will also discuss referral to the GMC/NMC.

6.4. Suspension of Practice Privileges may be temporary or culminate in permanent withdrawal, depending on the outcome of any investigation.

6.5. In the event of restriction, suspension or withdrawal of Practice Privileges, the Medical Practitioner will be required to report this at their next appraisal, and include it in their revalidation folder.

6.6. In certain circumstances the owner may issue a warning which will be recorded and may be taken into account in the event of further issues arising.

6.7. In the case of suspension or withdrawal of Practice Privileges The Lomond Clinic reserve the right to notify other independent sector providers, NHS Trusts or Foundation Trusts, the CQC, and/or registration bodies in other known countries of practice as appropriate.

References:

- The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014
- Safeguarding Vulnerable Groups Act 2006
- Care Quality Commission (Registration) Regulations 2009
- Good Medical Practice GMC/Code of Conduct NMC
- The Role of Responsible Officer Closing the gap in Medical Regulation - Responsible Officer Guidance
- Medical Practitioners Assurance Framework - Independent Healthcare Providers Network NHS Confederation
- Practising Privileges Principles Key Principles - Association of Independent Healthcare Organisations