Voluntary Erasure (VE) from the doctors’ register is a granted by the General Medical Council (GMC) only in certain prescribed circumstances.

Where a doctor no longer wishes to retain a UK registration, due to their retirement, their moving abroad, or another qualifying reason, the doctor may apply for voluntary erasure. VE is not granted in every case. Where a doctor is facing fitness to practise (FTP) proceedings, by way of example, a doctor might not be permitted to voluntarily erase their name from the register, because of the “public interest” test not being satisfied if the doctor were to be permitted to avoid a FTP hearing. If the doctor is likely to return to practise in the future the GMC will also decline voluntary erasure.

Doctors should be cautious about the content of their VE application. Doctors often state too much or too little in documentation submitted to the GMC. A VE application/submission from a doctor could in certain circumstances be used against the doctor in FTP proceedings, if the doctor were to state something that formed an ill-considered admission or denial of matters in evidential issue. It might alternatively be used against a doctor in order to demonstrate a lack of insight or lack of effective remediation.

Where applications are made in circumstances where a doctor is facing fitness to practise proceedings, any application for VE
must be made with particular care. At Doctors Defence Service we regularly advise doctors on the formal application process for VE and assist doctors in formulating an application.

The Voluntary Erasure application is now usually made through the GMC’s online portal for doctors. The GMC provides guidance to doctors who are seeking voluntary erasure: [Voluntary Erasure (GMC Document in pdf)]

**Case Law on Voluntary Erasure:**
In *R (on the application of Jackson) v General Medical Council [2013] EWHC 2595* the High Court quashed a GMC decision refusing voluntary erasure, where the doctor was unwell, a Fitness to Practise (FTP) hearing would be difficult for him to participate in, and the doctor was not planning to return to work for reasons directly connected with ill-health.

In *R (on the application of Dr LI) and the General Medical Council [2013] EWHC B2 (Admin)* the High Court held that the GMC may refuse to grant Voluntary Erasure (VE) where there is a realistic prospect that a doctor may seek to practise elsewhere, outside of the UK, or return to UK practise in the future. See, especially, paras 68 and 69.

If you seek legal guidance or legal advice on the topic of voluntary erasure, or seek assistance in drafting an application for VE, to be submitted to the GMC, then you can contact in confidence and without obligation, our legal team on 0800 10 88 739 to discuss your VE legal issue. [See also the GMC’s panel guidance on VE.]