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Professor Sir John Tooke Modernising Medical Careers (MMC) Inquiry 4th Floor, Universities UK 20 Tavistock Square, London WC2H 9HD

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Dear Sir John,

I am writing to you with a submission containing proposals for the training and appointment of doctors in the UK.

MMC and MTAS have failed us on many grounds. In part the failure is because they are an overambitious and overoptimistic attempt to create inappropriate central job market regulation.

There are several overlapping problems that characterize the job market for doctors. I see the major problems as follows:

- 1. Doctors apply for a large number of similar jobs across the UK.
- 2. Employers' preferences for candidates may vary.
- 3. Many doctors apply for posts simultaneously.
- 4. Doctors must be allowed to apply for any job for which they are qualified.
- 5. In 2007, doctors had to apply for very poorly defined jobs.
- 6. Doctors apply for jobs without necessarily being given contract details.
- 7. Training requirements inherently conflict with service requirements.
- 8. Long training for doctors makes workforce planning difficult.
- 9. How do we implement a new selection scheme now?

I suggest that these problems be addressed with separate solutions. In summary, I suggest:

Each employer is free to select those candidates it sees fit. There is no place for national selection criteria, but employers have the opportunity to use template application forms and a central document clearing house. Doctors and hospitals are free to enter into a national matching scheme that offers well-defined jobs at predicted times. After interview, an algorithm based on the tested American model places candidates in their preferred position, taking into account employers' preferences and joint applications. A timely second round of matching fills any remaining posts, followed by open unregulated competition for any subsequent vacancies.

By entering into an independently run matching scheme, both employer and employee are bound by contract to take the job allocated. Doctors should be free to apply for any job for which they have the necessary minimum requirements. The posts applied for should be specific in both location and job description. No doctor should be discriminated against on the grounds of excess experience or personal circumstances. All doctors should be able to change their career path. Doctors should not be forced heedlessly into less popular specialties but rather unpopular posts should be made more attractive, e.g. by combining specialties.

A third party should define training standards for junior doctors. This would encourage the provision of learning opportunities by hospitals and encourage competition. The responsibility for training standards should be handed back from PMETB to the Royal Colleges, who should be responsible solely for the quality, not quantity, of the training posts available. There remains an important role for specialty examinations.

Adequate workforce planning should ensure that enough consultant posts are available at the end of specialty training. This should be done predominantly at a local rather than national level. The number of entrants into medical school should relate directly to this workforce planning. The advice of economists should be sought when planning changes to this regulated employment market.

That ends the summary. In the nine points that follow, I set out these proposals in more detail. Points 1–6 relate primarily to the application process (and thus to MTAS) while points 4 and 7–8 relate to the wider training structure (and thus to MMC).

## 1. Problem: Doctors apply for a large number of similar jobs across the UK.

Solution: Create an *optional centralized application system* that acts as a trusted third party. I shall call it the *UK Doctor Application Service*.

- It receives and checks original documents from applicants (GMC certificates, degree certificates, postgraduate qualifications, criminal record bureau checks, passports and immigration status, maybe evidence of previous posts with their educational content and applicants' performance in them, maybe references, maybe PDF copies of applicants' publications, and so on).
- Employers can check these details via the centralized application system, and can confirm to the applicants that they are or are not satisfied with what they have seen. If they are satisfied, they provide a signed statement or checklist to that effect to the applicant, who does not then have to bring the documents to interview. If employers do not use the system, or are not satisfied by it, they may require the applicant to bring the documents.
- The service provides one or more template application forms. It may be that many hospitals appointing medical SHOs, for example, find that they ask the same questions of applicants. The service provides standardized application forms that employers *may* choose to use perhaps including questions such as "what is your previous experience?" or "what qualifications do you hold?" or "please attach a full CV". Applicants applying to several employers who all choose to use the same template save time by filling in one form electronically, rather than sending paper application forms.
- The American model for this is the Electronic Residency Application Service (ERAS).<sup>1</sup>
- To emphasize, this third party makes no value judgements whatsoever. It merely facilitates communication and reduces paperwork.
- The system can be used for individual jobs or posts, or for groups of posts making up educationally approved training programmes or rotations.
- There are advantages to employers and to employees in using this system, so it is likely to be popular if it is set up well. But it is a stable system if individual employers choose not to use it. Likewise, applicants must use the system when applying to employers who insist on it, and must apply independently of the system if that is what an individual employer wishes, but can apply to multiple employers through the system and outside it simultaneously.
- The system is fail-safe if it fails early. If this system fails, all parties revert to paper applications and manual verification of documentation. Late failure would cause delays in appointments, so it is important to start the process early. In the USA, for example, the residency applications system begins in early autumn for posts that begin the next July nearly a year in advance.
- The system stands alone; it must be piloted before being introduced widely.
- How should the system be run? (1) This system could be run by central government. The advantage would be to make it free to employers and employees. The disadvantages would be that central government is notoriously poor at computing projects, and that there would be conflicts of interest for example, government, representing the NHS as an employer, might

<sup>&</sup>lt;sup>1</sup> http://www.aamc.org/audienceeras.htm

'encourage' the use of application forms that do not meet the desires of individual hospital employers, as exemplified by this year's MTAS. (2) The system could be run by private companies. The disadvantages would be that there would be several such companies, so there would be several competing application services; it would be more expensive since the companies would wish to profit; and individuals would probably not trust sensitive documents to private companies. (3) A not-for-profit independent organization could be created. It could charge individuals a small fee for each application, and employers a fee for using the service. 

I suggest option 3.

# 2. Problem: Employers' preferences may vary.

Solution: employers must be free to select candidates as they see fit.

- Employers must be able to rank candidates in any way they choose consistent with employment law. If one employer's methods differs from another's, this is not a problem. There are hundreds of hospitals in the UK, each with many specialties, requiring doctors at different levels of seniority. They need not all apply the same criteria. They should be free to shortlist and interview as they see fit. This represents open and fair competition. Moreover, the competition is on both sides: hospitals compete with each other for doctors, just as doctors compete with each other for hospitals. If one hospital offers a place to a candidate based solely on their application form, without bothering to interview, because the candidate appears that good to them, that should be fine. If another chooses to arrange exhaustive interviews, it is their choice. If one is after candidates with a strong academic background, whilst others have no preference as to whether or not the candidate has a PhD, then that is fine. What is *not* fine is to impose a central scoring system on all employers, in the vain hope that (a) they all have the same preferences, and (b) the scoring system adequately captures those preferences. I dispute entirely that a centralized scoring system improves the functioning of the market for doctors and challenge advocates of a central scoring system to produce evidence to that effect.
- One very compelling reason why national selection criteria do not need to be applied is that *it is in hospitals' own interests to select good doctors*. Each employer, acting in its own self-interest, will try to rank doctors in a way that gets them the best. This is a perfect example of a situation in which market forces will provide a good outcome without central regulation. It is also a perfect example of a situation in which inappropriate central regulation produced a highly unsatisfactory outcome in 2007.
- Another major advantage of local processes is that relationships between potential employees and employers can start at interview. This is to the benefit of both parties as, for example, the employee can find out specific details about the job's hours, conditions, training environment, research opportunities, etc., and the employer can ascertain whether they think this individual would likely fit in well with the existing team.
- I will refer to 'hospitals' and 'employers' interchangeably, but there may often be situations in which groups of hospitals function as an employer for example, when a training rotation involves posts at several hospitals in a region. There are good reasons why hospitals may group together like this. However, there are also substantial advantages to having *small* groupings, competing between each other for doctors. Some of these relate to providing well-defined posts for which doctors can apply (in which the location and nature of the post is clearly set out in advance); this point is discussed further below.
- In general practice, individual practices or primary care trusts take the role of employer.

# 3. Problem: Many doctors apply for posts simultaneously.

Solution: Create an *optional centralized preference matching system* that acts as a trusted third party to maximize applicants' and employers' happiness. I shall call it the *UK Doctor Matching Programme*, or the 'Match'.

<sup>&</sup>lt;sup>2</sup> http://www.aamc.org/students/eras/feesbilling/start.htm

- Employers choose to place individual posts inside the matching scheme, or not. Applicants choose to apply within the matching scheme, or not. Outside the matching scheme, it's a free market. Inside the matching scheme, it's a regulated market.
- The key problem is one of making a *synchronized choice*. (An example: two hospitals each have one job available. Dr A prefers Hospital 1 to Hospital 2. Dr B prefers Hospital 2 to Hospital 1. But Hospital 1 prefers B to A and makes B an offer. Hospital 2 prefers A to B and makes A an offer. Neither doctor wishes to accept the post until he knows whether his more preferred hospital will offer him the post. Neither hospital wishes to move on to less-preferred candidates until their first-choice candidate has said yes or no. In computer science, this is called a deadlock. If the hospitals offer jobs at unpredictable times, the end result is also unpredictable, known as a race condition and other undesirable situations may emerge, such as hospitals trying to be the first to offer jobs so as to get the best candidates, or applicants choosing less-preferred hospitals early so as to ensure a job.)
- Making a synchronized choice is easy. The next problem is to make everyone as happy as possible. The following system, largely based on the National Resident Matching Program (NRMP) in the USA (http://www.nrmp.org), which is optimal in several important technical senses, 3 should be followed:
  - All applicants rank their preferred programmes in the genuine order of their preferences, from their first choice down to the lowest-preferred post they'd accept.
  - All programmes rank their preferred applicants in the genuine order of their preferences, from their first choice down to the lowest-preferred applicant they'd accept.
  - Preferences are strictly confidential: applicants never see employers' preferences, and employers never see applicants'.
  - A simple and transparent algorithm ensures that an applicant is placed in his/her most
    preferred programme that ranks the applicant and does not fill all its positions with more
    preferred applicants. The algorithm is described at
    http://www.nrmp.org/res\_match/about\_res/algorithms.html. It is theoretically sound, and
    has been proven over decades of use.
  - Ranking too few programmes/applicants puts applicants/employers at greater risk of not getting a job/not filling their posts.
  - Special consideration must be given to couples. They link their applications, rank their preferred posts in pairs, and a similar algorithm does its best to maximize their happiness and that of their potential employers. The algorithm is described at <a href="http://www.nrmp.org/res\_match/special\_part/ind\_app/couples.html">http://www.nrmp.org/res\_match/special\_part/ind\_app/couples.html</a>. Employers do not need to be aware that an applicant is applying as part of a couple. The algorithm will match to the couple's most preferred pair of programmes where each partner has been offered a position. One half of each 'pair' of choices can be the choice for one person not to be matched at all, creating maximum flexibility.
  - At the end of the process, there may be jobs left over and applicants without jobs. Rather than going straight to a free-for-all as in the USA, in which every minute counts as applicants race for places, a further second-round Match should be run (in which candidates reapply for new posts, and during which candidates and employers alike will probably be a bit less fussy and improve their chances of getting jobs and filling posts). After a second round, anything left over can go to a free-for-all (known in the USA as the Scramble).
- This matching system is more complicated than a central application service, because it requires some honesty and binding commitment from participants. 6 Consequently, it must be

<sup>4</sup> http://www.nrmp.org/res\_match/special\_part/ind\_app/match\_results.html

<sup>&</sup>lt;sup>3</sup> http://kuznets.fas.harvard.edu/~aroth/jama.html

<sup>&</sup>lt;sup>5</sup> A description of how ridiculous this process can be is at http://www.imgresidency.com/Scramble\_Howto.html

<sup>&</sup>lt;sup>6</sup> Sample policies are at http://www.nrmp.org/res\_match/policies/index.html

run by a trusted third party (perhaps, as suggested above, a non-profit-making organization with general support from professional bodies).<sup>7</sup> What are the potential problems?

- The system only solves the problem of simultaneous choice if the choices are binding. Thus, applicants and employers must enter a binding commitment to accept the outcome of the Match. Employers are not permitted to decide that, having ranked a candidate, they will not accept him. Applicants are not permitted to decide that, having ranked an employer, they will not accept a job offered by the matching system. Both would constitute a violation of the agreement each made. Exceptions may be made (for example, for extreme personal circumstances or the discovery of an undisclosed conviction); a third party (the matching programme) is required to adjudicate. Outside these exceptional circumstances, the matching programme disallows withdrawals. Violations can be punished, if need be by preventing the applicant or institution from entering further matches temporarily or permanently. (If this incentive were not sufficient in the UK for example, if you were applying for training posts that lasted so long that any ban had expired before you had to apply again an alternative, e.g. financial, penalty could be applied.) As a consequence of clearly defined penalties, in the American system, violations are few.
- The algorithm quite correctly places emphasis on applicants' satisfaction over employers' when all other things are equal. Happy employees are vital. But this creates a conflict of interest. If unpopular employers can persuade good applicants to rank them higher than the applicant would truly prefer, for example by promising them that they will rank the applicant top in slang terms, if the employer can persuade the applicant to "go ugly early" then applicants are disadvantaged. The American version of this system makes it quite clear to applicants that employers may try this tactic, that the best strategy for the applicant is to rank their preferences honestly, and that any communications outside the official Match preferences are potentially false and may be ignored.
- If the system fails in a given year, the problem of making a good, synchronized set of choices is failed. This is the situation we have faced historically in the UK (as hospitals advertised posts at slightly different times, and doctors wondered whether or not to accept an offer or decline it in the hope of a better result from next week's interview). It is the problem we face in May–June 2007 with the collapse of the MTAS matching scheme, whatever its algorithm might have been. So a system failure would be serious, especially if it came late, but it would not prevent one-to-one, employer-to-applicant job offers from proceeding.
- If applicants enter the Match, they must accept any job they get from it so although they can apply outside the Match at the same time as applying within it (which might be fine if they were not matched but got an offer outside the scheme), the consequences of rejecting a post offered to them from the Match would be serious. So there will be strong pressure on applicants to apply within the Match, and only within the Match. Given that, there will be strong pressure on employers to place most or all their posts inside the Match, in order to attract the best candidates. So this is a big national system optimal synchronized preference matching works best when most applicants and posts are inside the scheme meaning it may start on a grand scale, and meaning that it needs very robust piloting.
- In particular, it is vital not to make this system too complicated. It should *only* deal with applicants' preferences, employers' preferences, and the matching process. Applications themselves are a *separate issue* the process by which employers generate their preference lists should be completely up to the employers.

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<sup>&</sup>lt;sup>7</sup> http://www.nrmp.org/about\_nrmp/index.html

<sup>&</sup>lt;sup>8</sup> See, for example, http://www.nrmp.org/res\_match/policies/case.html

<sup>9</sup> http://www.nrmp.org/res\_match/about\_res/ensuring.html

- To emphasize, this third party makes no day-to-day value judgements whatsoever itself. It merely facilitates communication (including the communication of preferences) and the entering into of binding agreements between employers and employees.
- There are several possible funding models. In the US, applicants pay a flat fee to enter, no matter how many hospitals they apply to; hospitals pay a flat fee plus a fee per applicant appointed, but do not pay to rank people, so they can rank as many applicants as they wish.<sup>10</sup>
- I have referred to 'jobs' or 'posts' but, as now, these may instead be educationally approved training programmes, such as a set of (e.g.) three four-month posts making up an FY2 year, or four six-month posts making up an ST1-2 training rotation.
- In principle, there could be several 'Matches'. It would be worth considering having one Match for FY1 posts and one Match for all other posts, since there is unlikely to be overlap between doctors applying for FY1-level jobs and doctors applying for jobs requiring full GMC registration. But all posts above FY1 level should be in the same Match, because a doctor might be qualified to apply for a registrar (ST3 equivalent) post in medicine or to change tack and apply for a new specialty at a more junior level (e.g. ST1). This must not be discouraged.
- It will be important to begin the process in good time, as described above.

I note in passing that aside from the American model of doctor recruitment for residency training, this system is also quite similar to the UK Universities selection system, UCAS, <sup>12</sup> which also has to do the job of matching many applicants to many institutions, each with their own preference scheme, nationwide and simultaneously.

# 4. Problem: Doctors must be allowed to apply for any job for which they are qualified.

Solution: given minimum entry requirements for a particular post, make it a free market.

- It is a given that certain posts demand certain entry qualifications. For example, in 2007, ST1 posts require no previous experience of the specialty. In contrast, an ST3 post in cardiology requires the MRCP examination and suitable experience as a medical SHO or equivalent in approved training posts.
- Allowing any suitably qualified doctor to apply for any given post represents open and fair competition.
- If a doctor wishes to change specialty, this must be permitted.
- If a doctor wants to try a range of specialties before committing to one, this must be permitted, if not encouraged. Different doctors will want to spend different amounts of time 'trying' before they 'buy', and this must be permitted.
- If a doctor has failed to obtain specialty training for a particular specialty before, this must not be a barrier to the doctor trying again, should he/she wish.
- The concept of being 'overqualified' must not be permitted to stand, because doctors can get squeezed out of their desired specialty through this argument. For example, in 2007, ST2 psychiatry required between 12 and 36 months' experience of psychiatry (too much experience made you ineligible), while ST3 psychiatry required MRCPsych Part 1. So someone with too much experience but not enough exams might be ineligible for either. The fact that this situation may not be at all common does not detract from the fact that it is wrong in principle to limit applicants in this way. Over the years, professional examinations (e.g.

<sup>11</sup> Part of the American schedule is at http://www.nrmp.org/res\_match/yearly.html

<sup>10</sup> http://www.nrmp.org/

<sup>12</sup> http://www.ucas.com/

<sup>&</sup>lt;sup>13</sup> Likewise, ST1 psychiatry required less than 12 months' experience while ST2 psychiatry required at least 12 months' experience, leaving candidates having to make critical decisions about whether particular posts 'counted' as experience or not, since they were able to apply at only one level, and hoping that their guess matched the decisions of the longlisting and shortlisting panels.

MRCP) have abandoned the idea of a limited time or a limited number of attempts in which to complete a course of study or obtain a qualification. We should abandon it entirely.

• There should be no limit on the number of posts for which a doctor can apply in a single round. Regarding the centralized Matching scheme, a small fee per application and per person appointed might fund the system and limit the number to something sensible in most cases. But we must never repeat the travesty of 2007 of allowing four applications only; there is no good reason to set a limit at all.

## 5. Problem: In 2007, doctors had to apply for very poorly defined jobs.

Solution: the 'unit of application' should be very specific — with details being provided of the post(s) and hospital(s) that are part of the job or programme of jobs on offer.

- In 2007, doctors applied for posts such as 'ST1 Core Medical Training, Scotland' or 'ST2 Surgery, London/Kent/Surrey/Sussex'. These are completely inadequate units of application. A doctor who is offered 'ST1 Medicine Eastern' does not know whether this means gastroenterology in King's Lynn or neurology in Southend. If you are married with children and a mortgage in Southend, it's not a short commute to King's Lynn. You might have to move. Your spouse might have to move. Your spouse might be unable to move. Your children might have to move school. It is unacceptable and virtually unheard of to have to apply for a job without knowing the proposed location and job description in detail, some time in advance. The system being used in 2007 is particularly unfair to those who are geographically less mobile, typically those with families.
- Furthermore, in 2007, applicants ranked up to four 'units of application'. They might choose to put 'ST2 medicine Eastern' above 'ST2 medicine London/Kent/Surrey/Sussex'. But actually, they might prefer neurology in London to endocrinology in Southend, whilst also preferring nephrology in Cambridge to respiratory medicine in Canterbury. Applicants should be allowed to express those preferences.

Academic jobs. In passing, I would make a further point with regard to academic jobs. This year, the selection procedure for academic clinical posts failed badly. One consequence of adopting the selection methods I advocate might be an improvement in this. Academic employers, typically university hospitals, could advertise posts such as 'ST1 medicine in Addenbrooke's' (non-academic), 'ST1 academic clinical fellowship in medicine in Addenbrooke's leading to a PhD in areas relating to diabetes', or 'ST3 academic clinical fellowship in medicine in Addenbrooke's in the general area of respiratory medicine, with the academic specialty to be determined later by applicant and supervisor preference'. Candidates could apply to these posts as separate options in the Match, ranking the academic option(s) highly if they desire. Employers might use a method to rank academic applicants that is slightly different from their methods for ranking non-academic applicants. The system allows this flexibility. The standard preference-matching system I advocate would then maximize applicant and employer happiness.

## 6. Problem: Doctors apply for jobs without being given contract details.

Solution: make it compulsory for employers to provide contracts in advance.

• We must end the fact that doctors are amongst a very small group of employees so disadvantaged by a national employer that they frequently have to apply for jobs with no clear idea of which hospital they will be working in, the shift system in place, or the salary/banding scale on which they will be paid. It certainly seems unfair that doctors must enter what is a binding commitment to a job<sup>15</sup> when the employer can still keep its cards on the table.

<sup>&</sup>lt;sup>14</sup> Medical Academic Staff Committee (May 2007), *Clinical academic training: a lost opportunity*, at http://www.bma.org.uk/ap.nsf/Content/Clinicalacademictraining (also available as a PDF at http://www.bma.org.uk/ap.nsf/AttachmentsByTitle/PDFVersion4CAT310507/\$FILE/Tooke.pdf)

<sup>&</sup>lt;sup>15</sup> GMC (2006) *Good Medical Practice*, paragraph 49, at http://gmc-uk.org/guidance/good\_medical\_practice/working\_with\_colleagues/appointments.asp

- Employers must be responsible for ensuring all post entry requirements are made clear to the applicant, and for providing a copy of the contract(s) the applicant would be expected to sign if they were matched to the post or programme of posts, in advance of the preference ranking process.<sup>16</sup>
- Applicants must be responsible for ensuring that they meet the post entry requirements —
  otherwise, they may be matched to a job for which they are not qualified, and be unable to
  take it up.
- The compulsion comes through the Match process: to participate in the Match, an employer must comply. It would be hard to enforce this provision outside the Match, but easy within it. The third-party nature of the Match allows this enforcement. The factors that drive employers to use the Match will indirectly require them to be better employers.
- Incidentally, providing clear details of their posts will also probably increase employers' popularity in the Match, increasing the talent pool available to them. Furthermore, as junior doctors' hours steadily reduce to band 1A, employers may lose their reluctance to provide contractual information in advance. However, compulsion remains important here.
- Having to provide detailed contracts in advance would also require employers to plan their
  workforce and staffing requirements on a slightly longer timescale than at present. This would
  be good for employees, and probably for employers.

## 7. Problem: Training requirements conflict with service requirements.

Solution: Allow trusted third parties to determine whether a post should count for specific training purposes.

- Employers should be free to create posts to meet service requirements. But to create a training post, a hospital must ensure educational standards are met, such as the provision of formal teaching. Educational activities represent time that a doctor is not providing service, so there is a conflict of interest between the hospital's service and training needs. Consequently, hospitals should not be the ones to judge whether a post meets training standards.
- The acceptance by a third party that a posts meets certain training standards is a 'stamp of approval' for a post. Since doctors prefer training posts to non-training posts, there is a useful market force: hospitals that choose to sacrifice some service provision and provide educational activities in order to have a post approved for training will find that these posts attract more and better applicants. This provides some incentive for them to do so.
- Nonetheless, the predominant immediate effect of training on the employer is negative. For example, training junior cardiologists to perform diagnostic coronary angiograms requires a teaching list with a supervising consultant, in which typically 3 angiograms might be performed in a session, whereas a non-training list might serve 8 patients in the same time with a single doctor. Consequently, the real benefit to employers of creating training posts is in the long term, to ensure a supply of senior doctors. As I suggest in point 8 below, mechanisms to enhance the local relationship between training and consultant posts through better workforce planning may improve matters for employers.
- As now, employers should be free to create non-training (service only) posts. However, they should be clearly distinguished so as not to compromise training opportunities for those in training posts.
- A variety of training standards exist. For example, a post in accident and emergency medicine
  these days may 'count' towards the experience required for the MRCP, MRCS, and FFAEM
  examinations. The range of 'overall experience' that might allow a doctor to sit the MRCP
  exam differs from that appropriate to MRCS.
- The body making a judgement as to whether a post should count towards training in a particular specialty should probably be the professional body representing that specialty. At

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<sup>&</sup>lt;sup>16</sup> http://www.nrmp.org/res\_match/special\_part/inst\_officials/about.html

present, the bodies that most closely fit that definition are the medical Royal Colleges. In fact, from 2005, the responsibility for training standards actually rests with the Postgraduate Medical Education and Training Board (PMETB). Nevertheless, it seems advantageous to return responsibility for training to the Royal Colleges, since they are more democratic. For example, any physician of substantial experience may be elected a fellow of the Royal College of Physicians, and be able to influence RCP policy. The democracy may not be perfect (for example, RCP fellowship requires nomination by existing fellows<sup>17</sup>). But far greater accessibility and democracy exists within a professional specialty to influence its Royal Colleges than PMETB, and training standards are a matter principally for the trained professionals in a given specialty. To illustrate this difference in democracy, I could influence the RCP by qualifying as a doctor, gaining the MRCP examination, being elected a Fellow, and voting within the College; it is not clear how I could influence PMETB. Its statutory committees and subcommittees are appointed by its Board. 18 Appointments to the Board are made through the Appointments Commission<sup>19</sup> who make recommendations to the Secretary of State for Health. The Statutory Instrument creating PMETB<sup>20</sup> makes no mention of election; instead its members are appointed by government ministers.

- Special consideration must be given to the FY1 year, since this year also fulfils a requirement for full registration with the GMC. The GMC is therefore one interested party. It might choose to say that satisfactory completion of a set of posts containing four months' medicine, four months' surgery, and four months of something else should lead to full registration. Since the GMC is not primarily a postgraduate educational body, it could just require that the four months' medicine have approval by the medical educational body (such as the RCP) for this purpose, the four months' surgery by the RCS, and so on. Subsequent to this year, all training posts count towards training in one or more specialties, and the appropriate educational professional body should be the judge of the training standard.
- No educational approval body (e.g. Royal College) should deny educational approval to any post that meets its criteria. In particular, educational approval bodies must not deny educational approval because they have filled a 'quota' of training posts because although the educational approval body should deal with the *quality* of training, the *number* of training posts is an issue of workforce planning, which I deal with below. A quota should exist in a regulated market, but the educational bodies should not be the ones to determine it.

## 8. Problem: Long training makes workforce planning difficult.

Solution: hospital trusts should determine the number of training posts, with a constraint to match the number of entries to specialist training to the number of consultant posts available in their trust at the end of training.

- Hospitals or trusts should have control of their employment budget and be able to plan their medical workforce, as they are the entities that must respond directly to local clinical needs.
- Allowing hospitals (employers) to be in control of proper workforce planning also allows integration of workforce and financial planning, as recommended by the Health Select Committee 2006–2007 Report on Workforce Planning<sup>21</sup> (pp. 41–42, 50), and to improve planning over longer timescales (ibid., pp. 42–44, 50), since the decision-making body would be the body primarily affected by its own decisions.
- Since we invest a great deal of money nationally in training medical students, it seems sensible to ensure the number of FY1 posts at least matches a given year's output of newly qualified doctors, so as to be able to guarantee employment at least to the point of full GMC

<sup>20</sup> http://www.opsi.gov.uk/si/si2003/20031250.htm

<sup>17</sup> http://www.rcplondon.ac.uk/college/membership/

<sup>18</sup> http://www.pmetb.org.uk/media/pdf/l/q/Committees\_Rules.pdf

http://www.pmetb.org.uk/index.php?id=595

<sup>&</sup>lt;sup>21</sup> http://www.publications.parliament.uk/pa/cm200607/cmselect/cmhealth/171/171i.pdf and http://www.publications.parliament.uk/pa/cm200607/cmselect/cmhealth/171/171ii.pdf

- registration for UK-qualified doctors. This accords with the Health Select Committee recommendations (ibid., p. 86). Beyond this, the market should be free.
- As discussed above, the educational approval bodies should not be the ones to determine the number of training posts.
- Let us illustrate the problems with a few possibilities, assuming for the sake of argument 7 years' training for a specialty, with a 'training post' here representing run-through training to the point of qualifying as a consultant.
  - 1. In our first scenario, we allow an entirely free choice on the part of doctors. Hospitals appoint doctors to their chosen specialty regardless of local or national need. Suppose every doctor wants to become a cardiothoracic surgeon. We end up with too many cardiothoracic surgeons and not enough endocrinologists. Wholly unrealistic, unless salaries are free to vary.
    - We can illustrate the consequences of this policy further in a situation with and without salaries that are free to vary.
    - If employers can pay cardiothoracic surgeons at a free-market rate, the oversupply of cardiothoracic surgeons depresses their pay, which will probably reduce the number of doctors training in this specialty (although salaries can change fast, and it takes a long time to train as a cardiothoracic surgeon, so this is very hard on individuals). Meanwhile, our hypothetical endocrinologists' salaries increase, encouraging junior doctors to train in this specialty. Overall, this free market is a good mechanism for regulating supply and demand *except* for the long time-lag involved in training.
    - If the salary scales are fixed nationwide, as at present, there is no such mechanism for autoregulating the market supply. Consequently, we have to regulate it by other means: restricting the number of posts available. I discuss mechanisms for this next.
  - 2. In another scenario, the government, or a central training body such as PMETB, guesses the number of cardiothoracic surgeons (etc.) required in 7 years' time. That number of doctors are allowed to enter the first year of specialty training now. The quota of cardiothoracic surgeons is allocated across hospitals performing cardiothoracic surgery. *This is plausible*. But this represents central planning, which is notoriously unreliable. What if a hospital decides it should expand or contract a given service? It is constrained in its ability to respond to the clinical need it perceives.
  - 3. In a third scenario, we allow hospitals to offer training posts in specialties as they see fit. Hospitals work out how many consultants they think they will need in 7 years in each specialty, and offer that many training posts. Doctors compete according to their preferences (and likewise hospitals rank applicants according to theirs, in a fair process as described above). *This is plausible*. But there is a risk: hospitals may actually want more junior doctors than consultants at any one time. In fact, this is more than a risk; it is reality. Although it is a political target to have more consultants on the shop floor, consultants are more expensive. Hospitals might offer more training posts than there will be consultant posts, which would leave doctors fully trained and potentially unemployed, if other hospitals do not compensate for their actions and there is no reason why they should.
  - 4. Hospitals, or groups of hospitals, offer training posts in specialties as they see fit, but are constrained such that to offer *n* training posts in a given specialty requires them to offer *n* consultant posts in the same specialty in 7 years (though not necessarily to the same candidates, since a competitive process should continue to operate nationally). *I suggest this solution*.
- Any of these proposals must be complemented by a policy of allowing hospitals to offer non-training (service) posts at junior levels, with the proviso that a doctor accepting a non-training post must be in no way prevented from applying to training posts later. This would provide a temporal buffering capacity, allowing doctors to gain experience and re-compete in a subsequent year should they wish.

- The system advocated above can be extended to a market in which national training centres provide trained consultants to peripheral hospitals. For example, training in positron emission tomography, congenital heart disease, or transplant surgery may be available only in some highly specialized centres. It would be possible for any given other hospital to guarantee a consultant place in 7 years' time, thereby allowing an extra training post at the training centre.
- How should we staff unpopular specialties? Rather than a central quota system, which essentially forces doctors to pursue careers about which they may be unenthusiastic, a local system could allow individual hospitals to increase the attractiveness of otherwise unpopular jobs. Aside from varying salaries (currently not done in the UK), other incentives include pairing a relatively popular specialty and a relatively unpopular specialty. Within medicine, such dual training opportunities include medical microbiology and infectious diseases, clinical immunology and renal medicine, geriatrics and acute medicine, etc. Even triple accreditation is not unknown (e.g. general medicine, respiratory medicine, clinical pharmacology). New combinations of specialties might be created (e.g. psychiatry and neurology). There is scope for yet more flexible training programmes. Dual accreditation is also excellent for trainees, as it improves career prospects, and should be encouraged. Approval for each part of the training programme could be sought from the appropriate educational body, as discussed above.
  - In other countries, such as the USA, salaries vary widely by specialty and location.<sup>22</sup> In this free market, part of the variability comes from the potentially undesirable practice of payment per procedure, while other market forces drive the rest of the variability. In the UK, we pay doctors extra for working longer hours, through banding payments for juniors and consultant on-calls.<sup>23</sup> Teachers have sometimes been paid more for entering unpopular subjects.<sup>24</sup> Paying doctors more to staff less popular specialties is a possibility, but a controversial one: it would be very complicated to administer fairly within a regulated market; the undersupply may not really exist; paying more does not necessarily engender commitment to the specialty; and such a system might be unpopular. I will not pursue this point further, though it remains an option.
- Immigration and emigration. It is impossible to plan accurately for immigration and emigration of doctors. Consequently, I suggest that the best available solution is to assume that the number of immigrants equals the number of emigrants plus UK permanent leavers, allowing workforce planners to match training posts to consultant posts. Doctors will emigrate and immigrate but the total numbers will remain the same. Should this in practice not be the case, national market incentives can correct the problem (i.e. raising doctors' salaries nationwide to encourage immigration and discourage emigration, or lowering doctors' salaries to encourage the reverse; in the longer run).
- Within the UK, new doctors only emerge from medical schools. The other net flux of doctors is from people leaving the profession, either temporarily or permanently.
  - Considering permanent leavers: we cannot plan with complete accuracy how many people will leave, so it is not reasonable to create fewer consultant posts than training posts in the hope that a proportion of trainees will leave. Overall, we lose from the NHS a total of 15% of UK-trained doctors after 2 years of graduation, 18% after 5 years, still 18% after 10 years, 19% after 15 years, and 23% after 20 years. 25 By far the biggest loss is in the early years, which is perhaps an argument for a very flexible workforce early on, but which permits direct linking of specialist training posts (ST1 and above, 2 years after graduation) and consultant posts (~10 years after graduation). There is still a gap: however, it is unlikely that we could not as a country continue to attract net immigration of doctors to fill this gap. Consequently, it remains sensible to match consultant and trainee numbers.

<sup>&</sup>lt;sup>22</sup> Lacking an authoratitive source, here is a non-authoratitive one: http://mdsalaries.blogspot.com/

<sup>&</sup>lt;sup>23</sup> Pay Circulars (M&D) 3/2007 and 4/2007 at http://www.nhsemployers.org/pay-conditions/pay-conditions-2339.cfm

<sup>&</sup>lt;sup>24</sup> http://news.bbc.co.uk/1/hi/education/3841215.stm

<sup>&</sup>lt;sup>25</sup> Goldacre MJ, Lambert TW, Davidson JM (2001). Loss of British-trained doctors from the medical workforce in Great Britan. Medical Education 35: 337. DOI:10.1046/j.1365-2923.2001.00939.x

- Concerning temporary leavers, including maternity leave: within a run-through training scheme, maternity leave could be dealt with by postponing the 'planned' consultant post that was notionally tied to the training post. (Note as before that this does not tie the individual to the hospital, or the hospital to the individual; it merely ensures that nationwide there are the same number of consultant posts as emerging fully trained doctors.)
- Concerning sub-specialization: It is simple in principle to match the number of cardiology trainee (registrar) posts to the number of future consultant cardiologists. It is a little more complex to match the number of general medical trainees, for example, to the future number of consultant physicians but not much more complex! The number of (e.g.) medical SHO-equivalent posts should be matched to the sum of the number of registrar-level medical training posts across all medical specialties; within each specialty, the number of registrar-level posts should be matched to the number of appropriately timed future consultant posts. Likewise, the number of FY1-equivalent posts should be matched to the total number across all specialties, including general practice. Doing this at a local (hospital/hospital group/trust) level ensures it also happens at a national level, but still allows movement of doctors around the country as they and their employers see fit.
- Concerning the implementation of such a system: If a system of matching training to consultant posts is adopted, care must be taken not to disadvantage trainees currently in the system. Consultant posts must not be taken out of the existing pool of anticipated consultant posts in order to 'earmark' them specifically for trainees at a given stage. At every level, open competition should be possible, otherwise more senior trainees might be disadvantaged. I do not know if the number of planned consultant posts in every specialty is currently at least equal to the number of trainees in that specialty due to emerge over the next few years, either nationally or at a local level. (If there are too many consultant posts, fine: future trainees will fill the posts. If there are too few consultant posts, trainee numbers in that specialty may need to drop in the future, but there will be existing trainees who will face being fully trained with no UK consultant post to go to.) But if steps are taken to ensure that future entry-level trainee posts are matched in number to future consultant posts, inequality and inequity should fade from the system within the time it takes to train a specialist.
- Implications for senior/junior ratios. Overall, this policy must consider the total number of juniors at each stage. Although there will be many individual exceptions, we could take an average career. Here I will guess the numbers, which may be somewhat inaccurate. A school-leaver aged 18 becomes a FY1-equivalent aged ~24, an SHO-equivalent aged ~25, a registrar-equivalent aged ~27, and a consultant aged ~34. They will retire at age ~64. Consequently, of the 40 working years of a doctor's life, 1 is spent as a FY1 or equivalent, ~2 as an SHO, ~7 as a registrar, and ~30 as a consultant. For a balanced workforce, we should therefore have consultants:registrars:SHOs:FY1s or equivalents in the approximate ratio 30:7:2:1, balanced across hospital and general practice, or 3:1 senior:junior. I do not have accurate figures, but it appears that we have a much lower senior:junior ratio than this. Matching post numbers at different levels locally would ensure they were matched nationally, and would also help to further the current political goal of a senior-led service.
- Medical school intake. Finally, we must also consider workforce planning across the full
  timescale from medical school to consultant posts. Clearly it is ideal that the number of
  students accepted into medical schools matches the number of consultant posts available at the
  end of the road (say, after approximately 6 years in medical school plus approximately 8–10
  years of general and specialist training). Here, many parties have a conflict of interest. A free

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 $<sup>^{26}</sup>$  An incomplete breakdown of recent medical workforce numbers at different grades is given at page Ev 259 of http://www.publications.parliament.uk/pa/cm200607/cmselect/cmhealth/171/171ii.pdf. In 2004, there were 28,100 consultants, 16,100 hospital registrars, 24,500 other doctors in training, 8,600 'other medical and dental staff', 30,800 GPs including registrars, and 109,200 doctors in total. (These figures are from the Department of Health and do not add up.) If we assume that all 'other medical and dental staff' are seniors (at consultant level), and we promote all GP registrars to senior level, then there were 28,100 + 8,600 + 30,800 = 67,500 seniors and 16,100 + 24,500 = 40,600 juniors, giving a senior:junior ratio that is less than 1.66, whilst the number of years spent at each level would suggest a target of ~3.

market solution would be for students to pay for their own education, gambling that the long-term payoff would be a consultant post. However, since we as a country pay for most of a medical student's very expensive education, and employ the resulting doctors, there is a more obvious conflict of interest. Educating more students than we need doctors wastes money on education, but creates a glut of doctors that would tend to create medical unemployment and drive down doctors' salaries. Educating too few students does the reverse. Central government currently determines the level of funding for both. Matching the two ends of the workforce in some way is optimal, but while the government controls both ends this is a political argument and one I will not enter into.

### 9. Problem: How to get there from here?

Solution: make the best of the 2007 disaster, but don't make MTAS appointments permanent.

• It is universally acknowledged that there has been unfairness in the appointments system for junior doctors in 2007. It has been debated as to whether it is now too late to make it fair. The verdict<sup>27</sup> is that it is too late. So let us not set unfairness in stone, but make this year's appointments temporary, with a new round of competition when a fairer appointments system has been created. I have suggested such a system in my points above.

In summary, I suggest that a large number of overlapping problems could be solved by using

- · local job creation,
- local matching of training posts to subsequent consultant posts,
- local interviewing and ranking of candidates by employers,
- freedom for doctors to apply for any post for which they are qualified,
- third-party educational approval for posts by professional bodies,
- a trusted third-party national application system, optional for employers, and
- a separate trusted third-party matching system, optional, with decisions binding upon those using it, enforcing the provision of detailed information about posts in advance.

Some of these issues, particularly workforce planning, are very complex. May I also respectfully submit that since these problems are not simply to do with health care but also to do with the functioning of a regulated market, that advice from a range of expert economists is sought before any concrete proposals are drawn up?

Thank you for your time, and good luck with your Inquiry.

Yours sincerely,

### **Rudolf Cardinal**

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 $<sup>^{27}\</sup> http://www.remedyuk.net/images/banners/JR\%20 Findings.pdf$ 

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