



<b>Agenda item:</b>	<b>5</b>
<b>Report title:</b>	<b>Report of the Chair of the Medical Practitioners Tribunal</b>
<b>Report by:</b>	<b>David Pearl</b> , Chair of the Medical Practitioners Tribunal Service
<b>Considered by:</b>	<b>GMC/MPTS Liaison Group</b>
<b>Action:</b>	<b>To consider</b>

### **Executive summary**

This report sets out progress of the Medical Practitioners Tribunal Service since the last report to Council in June 2015. Key points to note:

- Significant reforms that will improve the efficiency and effectiveness of MPTS hearings will be in place by 31 December 2015.
- We are continuing our support for doctors appearing before the MPTS without legal representation.
- The MPTS Advisory Committee has continued to provide advice to the Chair of the MPTS in specific areas, as required.

### **Recommendation**

Council is asked to consider the Report of the Chair of the Medical Practitioners Tribunal Service.

## Chair's update

- 1 This paper is the Medical Practitioners Tribunal Service (MPTS) Chair's second bi-annual report to Council of 2015.

### *2015 performance*

- 2 Hearing outcomes for the first nine months of 2015 are at [Annex A](#). To date this year, 177 doctors have appeared before MPTS fitness to practise hearings. 31% of doctors were erased, 42% suspended, 10% were given conditions, and 1% agreed undertakings. In 1% of hearings the panel found impairment but took no action. 12% were found not impaired, while a further 2% were found not impaired and received a warning. Panels granted voluntary erasure applications in 1% of cases.
- 3 By comparison, in the same period last year (January-September 2014) 178 doctors appeared before MPTS fitness to practise hearings. 31% of doctors were erased, 39% suspended, 6% were given conditions, and 1% agreed undertakings. In 2% of cases the panel found impairment but take no action. 16% were found not impaired, while a further 3% were found not impaired and received a warning. Panels granted voluntary erasure applications in 2% of cases.
- 4 In the first nine months of 2015, 429 doctors appeared before Interim Orders Panel (IOP) hearings. 9% of doctors received interim suspensions and 69% interim conditions. The IOP made no order in 22% of cases.
- 5 By comparison, in the same period last year (Jan-Sep 2014) 434 doctors appeared before IOP hearings. 18% of doctors received interim suspensions and 62% interim conditions. The IOP made no order in 20% of cases.

### *Legislative update*

- 6 Since our previous report to Council, some Section 60 Order amendments to the Medical Act 1983 have been enacted, most notably the GMC's new over-arching objective to protect the public. In August, all hearing documentation was updated to reflect that MPTS panels and parties appearing before them must now have regard to the new objective.
- 7 Following the consultation on changes to the GMC's Fitness to Practise Rules, all Section 60 changes will be implemented by 31 December 2015, including a right of appeal for the GMC, a statutory MPTS committee, an annual MPTS report to Parliament, a discretion to use legally qualified chairs in some cases, and review hearings held 'on the papers' where both parties agree on the desired outcome.

- 8** MPTS panels will become known as *Medical Practitioners Tribunals* and *Interim Orders Tribunals*.
- 9** From 31 December 2015, MPTS case management decisions will be binding (unless there is a fundamental change in circumstances or other exceptional circumstance). If either party behaves unreasonably and does not adhere to a rule or direction, tribunals will have powers to draw adverse inferences, and/or refuse to admit evidence, and/or award costs.
- 10** A new full-time MPTS case manager has been appointed.
- 11** 15 separate change projects are being run across the MPTS and the GMC Fitness to Practise Directorate, reporting to a Section 60 Board which I chair.

#### *Sanctions guidance and restrictions banks*

- 12** The new version of the *Sanctions Guidance*, approved by Council on 23 April 2015, has been in use in MPTS hearings since 3 August 2015 along with the revised restrictions banks.

#### *Self-represented doctors*

- 13** In our previous report to Council, we highlighted our work to support self-represented doctors. Our telephone information service, supported by Manchester-based students at BPP Law School and the University of Law, continues to provide support for those appearing before the MPTS without legal representation.
- 14** In the first nine months of this year, 14% of doctors appearing before Fitness to Practise Panels, and 9% of those appearing before Interim Orders Panels, attended their hearing without legal representation. In the same period in 2014, the equivalent figures were 13% for FTP hearings and 11% for IOP hearings.
- 15** The MPTS will continue to offer support to self-represented doctors. The fact sheets we provide on our website are being fully updated to reflect the Section 60 amendments to the Medical Act.

#### *Panellist recruitment and diversity*

- 16** In our previous report to Council, we reported that 42 new medical panellists had been recruited.
- 17** The MPTS has a pool of 280 panellists, made up of medical and lay members. 18% identify themselves as having a BME background. This compares with 6% of decision

makers in UK Courts and 14% in UK tribunals, according to the most recent figures from the Ministry of Justice.

- 18** The MPTS will continue to encourage applications from a diverse range of backgrounds in future rounds of recruitment.

### *Resources*

- 19** Reducing the average daily cost and average length of our hearings are priorities for the MPTS.
- 20** In June 2012 (when the MPTS was established) the cost of running hearings was £4,167 per hearing day. By December 2015, the cost is forecast to be £3,572 per hearing day.
- 21** In 2015 we budgeted for an average hearing length of 8.15 days. More case management of hearings, and greater support for self-represented doctors mean that in 2016 we are budgeting for an average length of 7.9 days.
- 22** The overall MPTS budget was £11.5 million in 2015. The proposed budget for 2016 is £10.6 million.

### *MPTS Advisory Committee*

- 23** The MPTS Advisory Committee continues to meet four times a year.
- 24** Since the last report to Council the Committee has met on two occasions and has offered advice to the Chair of the MPTS on a range of matters, including key performance indicators, quality and accreditation; MPTS external engagement; and the recommendations from the review of the observation element of the panellist appraisal process.

### *External engagement*

- 25** The MPTS regularly engages with those representing doctors in our hearings, particularly through our regular User Group and Case Management Group meetings. We also seek to engage with those representing doctors, patients and those representing them.

In October 2015 I gave a speech to the annual conference of the British Institute of Physicians of Indian Origin (BAPIO), where I talked about the diversity of the MPTS panellist pool, and our work to reduce the stress on doctors and witnesses attending our hearings. In November 2015 I spoke about the adjudication of fitness to practise

in the medical profession at meetings organised by the Norfolk and Norwich Medico-Legal Society and the Manchester Medical Society.

**M5 – Report of the Chair of the Medical Practitioners Tribunal Service**

**M5 – Annex A**

**Hearing outcomes**

**Fitness to Practise Panel outcomes**

	Jan-Sep 2014	Jan-Sep 2015
Erasure	55	54
Suspension	69	75
Conditions	10	18
Undertakings	2	1
Warning	6	4
Impairment - no further action	4	2
No Impairment	29	22
Voluntary Erasure	3	1
<b>Total</b>	<b>178</b>	<b>177</b>

**Interim Orders Panel outcomes**

	<b>Jan-Sep 2014</b>	<b>Jan-Sep 2015</b>
<b>Suspension</b>	79	39
<b>Conditions</b>	270	294
<b>No order made</b>	85	96
<b>Total</b>	<b>434</b>	<b>429</b>

**Fitness to Practise Panel outcomes 2011–14\***

	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Erasure	65	55	55	71
Suspension	93	64	86	86
Conditions	24	20	32	22
Undertakings	1	1	0	3
Warning	23	12	13	10
Impairment - no further action	2	6	1	4
No Impairment	33	48	38	37
Voluntary Erasure	1	2	4	4
<b>Total</b>	<b>242</b>	<b>208</b>	<b>229</b>	<b>237</b>

**Interim Orders Panel outcomes 2011–14\***

	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Suspension	158	207	125	102
Conditions	236	336	375	350
No order made	95	241	134	119
<b>Total</b>	<b>489</b>	<b>784</b>	<b>634</b>	<b>571</b>

\* The MPTS took over running of hearings from 11 June 2012