

MPTS Committee

Wednesday 8 May 2019

10:00 – 13:00

Meeting Room 7.70

St James's Building, Oxford St

M1 6FQ

Agenda

- 1** Welcome and apologies for absence
- 2** Declaration of interests
- 3** [Minutes of the previous meeting held on 6 February 2019](#)
- 4** Chair's report (oral)
- 5** [Executive Manager's report including performance data and MPTS risk register](#)
- 6** Report of the MPTS Committee to GMC Council including Annual Report to Parliament
- 7** [Update from the Quality Assurance Group](#)
- 8** [Composition of Tribunals](#)
- Break for tea / coffee**
- 9** [Adjournments quarterly update](#)
- 10** [Annual review of complaints](#)
- 11** [Review of the MPTS work programme for 2019](#)
- 12** Any other business
- 13** Date and time of next meeting: Tuesday 10 September 2019, 10:00 – 13:00

MPTS Committee

Agenda item 3

Draft as of: 12 February 2019

To approve

Minutes of the Meeting on 6 February 2019¹

Members present

Dame Caroline Swift, Chair

Joy Hamilton

Jacky Hayden

Judith Worthington

Others present

Gavin Brown, Executive Manager MPTS

Vaishali Fitton, Senior Legal Adviser MPTS

Bernadette Beisty, Governance Officer MPTS and Committee Secretary

Colin Barker, Head of Communications and Corporate Affairs MPTS (item 3)

Deborah Pilkington, Project Officer MPTS (item 5)

Tamarind Ashcroft, Head of Tribunal Development MPTS (item 6)

Lindsey Mallors, Assistant Director Audit and Risk Assurance GMC (item 7)

Samantha Bedford, Case Manager MPTS (item 8)

¹ These Minutes should be read in conjunction with the MPTS Committee papers for this meeting, which are available on our website at <http://www.mpts-uk.org> [delete as necessary]

Welcome and apologies for absence

- 1 The Chair welcomed members of the Committee and attendees to the meeting.
- 2 Apologies for absence were received from Patricia Moultrie, MPTS Committee member and Anna Rowland, Assistant Director Policy, GMC.

Declaration of interests

- 3 There were no declarations of interest.

Minutes of the previous meeting

- 4 The MPTS Committee reviewed the minutes of the previous meeting held on 13 November 2018. Points were raised in respect of paragraphs 20 and 47 of the minutes:
 - a Paragraph 20. The MPTS Committee requested that, in the minutes of this meeting, it is acknowledged that feedback received by members of the MPTS Committee concerning the MPTS website had been acted upon.
 - b Paragraph 47. Concerning the possibility of having separate Impairment Guidance, it was clarified that the decision on whether to proceed with this would be made jointly with the GMC.
- 5 The MPTS Committee approved the minutes of the previous meeting as an accurate record.

Action sheet update

- 6 The MPTS Committee reviewed the Committee's action sheet and noted progress on the following actions:
 - a Action 1. *To review whether appropriate questions could be added to the Welcome to Practise survey regarding the awareness of the MPTS and the need for doctors to have indemnity insurance.* In response to the action the Committee received assurance from the Head of Communications and Corporate Affairs, MPTS that indemnity insurance was covered in the Welcome to UK Practice sessions.
 - b Action 2. *The MPTS Communications team to work collaboratively with the GMC External Affairs team on a communications strategy including the possibility of changing the language in the letters to doctors.* In response to the action the Head of Communications and Corporate Affairs, MPTS described the proposed trial using two types of letters: the newly worded letter incorporating "nudge" theory and the

existing letter. The purpose of the trial is to gauge whether changing the language of the letter has a positive impact on doctor engagement.

- c** Action 3. *To signpost doctors to medical benevolent organisations.* The Head of Communications and Corporate Affairs, MPTS confirmed that a letter had been sent to the five benevolent organisations identified to see how the MPTS can best signpost doctors to those organisations.
- d** Action 4. *It was noted that non-tribunal members of the Committee would benefit from updates on the content of tribunal members training.* The non-tribunal Committee Members confirmed that, on 5 February 2019, they had met with a staff member of Tribunal Development, MPTS and had received a detailed overview of the training. They had accepted an invitation to observe a tribunal members training session in 2019.

- 7** The MPTS Committee reviewed the completed actions section of the action sheet and confirmed that they were satisfied with the completed status of the actions.

Chair's report

- 8** The Chair provided an update on key activities and business since the last MPTS Committee meeting.
- 9** Three Quality Assurance Group (QAG) meetings had been held since the last MPTS Committee meeting. The Chair gave a general overview of the content of the meetings and highlighted the amount of work that goes into pulling all the information together for review and discussion. She confirmed that overall the determinations were of a very good standard and that the QAG continued to discuss how to use learning points from hearings to improve the decision making process.
- 10** The Chair had carried out one observation of a Legally Qualified Chair (LQC) since the last MPTS Committee meeting. These observations continue to be very valuable in terms of assessing the quality and effectiveness of LQCs' management of hearings.
- 11** The Chair provided an update on the annual training for tribunal members. She confirmed that delivering more training by webinars and videos was planned.
- 12** There has been a very promising response to the recruitment campaign for LQCs and medical tribunal members. Interviews of candidates for appointment are to be held in March - May 2019.
- 13** A meeting with representatives from BMA Wales was held to discuss the working of their Doctor Support Service and the MPTS Doctor Contact Service, and how the two could best work together. The discussions were very helpful.

- 14** There has been a meeting with a representative of the Manchester BPP Law School to discuss whether they might be able to provide for MPTS hearings a service similar to that delivered by the Personal Support Unit in the Courts. A further meeting is to take place shortly.
- 15** Since the last MPTS Committee meeting, the Chair has participated in the following meetings:
 - a** GMC Policy Forum meeting
 - b** GMC / MPTS Liaison Group
 - c** GMC Council
- 16** In January, Dame Clare Marx, the new Chair of GMC visited the MPTS offices, and met the Chair and senior MPTS staff.
- 17** The Chair addressed the National Trainees Conference, RCOG (Royal College of Obstetrics and Gynaecologists), in December 2018.
- 18** The Chair met with Professor Hamilton, Chair of the Gross Negligence Manslaughter Review, to ascertain whether the MPTS could provide any information which would assist the Review team.
- 19** The MPTS Committee noted the Chair's report and discussed the following:
 - a** The GMC's right of appeal. The Chair summarised the key points about the recommendation that the GMC should lose its right of appeal. In response to a question, she informed the Committee that the legal advice from Sir Robert Francis, QC was that it would not be lawful for the GMC to delegate the right of appeal to the PSA.

Executive Manager's report

- 20** The Executive Manager summarised the key points from his report.

Performance data

- 21** During discussion of the MPTS performance data the Committee noted:
 - a** Plans to create more consistency in the number of hearings held each month.
 - b** Research has been commissioned to provide more analysis of MPTS outcomes data and the Committee will receive an update on the research at a future meeting.

MPTS risk register

- 22 The MPTS Committee reviewed the risk register and commented on the lack of movement in risks given the mitigation in place. The Executive Manager provided assurance that the mitigation was appropriate and provided full details of the risk management of all risks on the MPTS risk register.
- 23 During the discussion, the Committee were asked to consider whether they would like to undertake a "deep dive" of selected risks at future Committee meetings.

Finance

- 24 A paper on the financial position of the MPTS was tabled. The paper will be published as part of the MPTS Committee papers at Annex 3 of the Executive Manager's report.
- 25 The MPTS Committee reviewed the data describing the MPTS's financial position and noted the increased number of hearings for 2018 and the process for budget setting.

Staffing

- 26 The MPTS Committee received an update on the new management structure of the MPTS and the plans to create a new L5 training role.

Tribunal member appointments

- 27 The MPTS Committee noted that an update on the recruitment of LOCs and medical tribunal members had been received as part of the Chair's report.

Facilities

- 28 The Project Officer, MPTS attended the meeting to present the plans to improve navigation around the hearing centre for visitors and staff. The MPTS Committee discussed the plans and noted the update.
- 29 The Facilities update also provided details of planned refurbishment of the Tribunal Members' dining area.

Tribunal members training update

- 30 The Head of Tribunal Development, MPTS attended the meeting to present her report.
- 31 The report summarised the tribunal members training delivered in 2018 and detailed future activity. Key points included:
 - a Video and webinars were delivered as optional training during the first half of 2018 focussing on learning from appeals.

- b** MPT and IOT tribunal members training was delivered September - November 2018.
- c** Case law updates were delivered through e-learning for the first time.
- d** Central e-learning on information security was provided.
- e** Legally qualified individuals received a separate session at annual training focussing on their role and a more detailed look at case law.
- f** Chairs training was delivered jointly with Nursing and Midwifery Council in 2018.

32 During the discussion, the Committee noted:

- a** That the feedback from attendees of the annual training was very positive with comments on how valuable tribunal members had found the training.
- b** An update on the training scheduled for 2019 which will include induction training for new recruits.
- c** A project to further analyse the effectiveness of the joint chairs training with the NMC is continuing into 2019.
- d** The positive feedback from the two MPTS Committee Members who were given the overview of tribunal members training referred to at paragraph 6d above.

Internal audit review: MPTS Committee's governance process and Siebel segregation

- 33** The Assistant Director, Audit and Risk Assurance, GMC attended the meeting to present two internal audit reports undertaken by an independent auditor, Moore Stephens.
- 34** She provided background information about the assurance processes in place for the review and management of audit and risk within the wider organisation.
- 35** As part of the GMC's annual audit programme, MPTS was subject to two internal audit reviews by Moore Stephens in autumn 2018, these were:
 - a** A spot check review of MPTS Siebel system access and the separation from GMC fitness to practise activities.
 - b** A review of the MPTS Committee's governance processes.
- 36** Both reviews had positive outcomes with only a small number of minor recommendations for further improvement.

37 During the discussion, the MPTS Committee noted:

- a** The plans to implement improvements to address the recommendations in the reports. These included a review of MPTS Committee papers to consider how best to document the risk(s) associated with the content of those papers.
- b** In relation to the report on Siebel segregation as between the GMC and the MPTS, the MPTS Committee asked for confirmation that there was an audit trail of access to documents. The Committee received assurance that there were robust safeguards in place to keep documents on Siebel secure.
- c** That the MPTS could commission its own internal audits if required.

Adjournments quarterly update

38 The Head of Case Management, MPTS attended the meeting and summarised the key points from her report which covered hearings adjourning in Quarter 4 2018.

39 The report provided details of key themes emerging from adjourned hearings:

- a** Tribunal deliberations and timekeeping
- b** Inaccurate hearing length estimates
- c** Delays potentially caused by GMC case preparation
- d** Delays potentially caused by doctor or defence representative preparation

40 The MPTS Committee were asked to note the following actions to reduce the number of adjourned hearings:

- a** Actions relating to tribunal training, circulars or other guidance
- b** Actions requiring liaison with stakeholders
- c** Actions for consideration in the case management process

Delivery of the 2018 MPTS Business Plan and confirmation of the MPTS Business Plan for 2019

41 The Executive Manager presented the report.

42 The report provided a review of the MPTS's achievements against the Business Plan projects in 2018. The paper also provided details of the MPTS's approved Business Plan activities for 2019 including, for each project, its corporate priority rating, reporting

arrangements, sponsor and project manager. It also highlighted the use of Microsoft Project Online (MSPO).

- 43 During the discussion, the MPTS Committee received confirmation that the MPTS Business Plan for 2019 had been approved by GMC Council at their meeting in December 2018.
- 44 The MPTS Committee noted the MPTS Business Plan for 2019 and also noted that updates on progress were planned for future Committee meetings.

Update on appeals

- 45 The Senior Legal Adviser presented the update which provided a review of the learning points arising from the judgments given in GMC, PSA and doctor appeals of/challenges to decisions of Tribunals from 1 October – 31 December 2018.
- 46 The main learning point highlighted and discussed from the report was related to the Court of Appeal judgment in the *Hayat* case. This judgment has provided clarification for tribunals when considering a doctor's application to adjourn on the basis of ill health.
- 47 The MPTS Committee noted the update.

Review of the effectiveness of the MPTS Committee 2018

- 48 The report set out the arrangements for members of the MPTS Committee to review the Committee's effectiveness.
- 49 At this point MPTS staff left the room so that the MPTS Committee members could discuss the effectiveness of the Committee in private.
- 50 The MPTS Committee considered the following questions relating to the effectiveness of the Committee:
 - a Is the Committee carrying out its statutory duties as detailed in its Statement of Purpose?
 - b Are all Committee members contributing to the work of the Committee competently and appropriately?
 - c Is the secretariat functioning efficiently and are the delivery of the agenda and papers within the agreed timescales?
 - d Are the quality and content of Committee papers appropriate?

- 51** The Chair summarised the key points of discussion for the minutes:
- a** The MPTS Committee was satisfied that the response to all the above questions was positive and that the Committee was running effectively.
 - b** The MPTS Committee noted that some of the scope of the effectiveness review would be picked up during MPTS Committee members' appraisals.
 - c** The MPTS Committee agreed that there was an improvement in the quality and content of the information available to Committee members since the change to the Committee's remit in 2016.
 - d** The MPTS Committee noted the usefulness of the work programme in ensuring that the duties and activities of the Committee as set out in its Statement of Purpose are reviewed in year.
- 52** The MPTS Committee asked for their thanks to be noted for the secretariat support of Committee meetings and for the attendance at meetings by MPTS and GMC staff in order to present papers on specific issues of interest to Committee members.
- 53** In particular, members of the Committee said that presenters displayed evident expertise in their subject matter, especially when responding to questions, and had a passion for improving the efficiency and effectiveness of the MPTS and wider GMC.
- 54** An action identified from the discussion:
- a** Review the process for updates to the MPTS Associates' Register of Interests which are published on the MPTS website so as to ensure that interests are accurate, up to date and confined to those relevant to the individual's role. The revised process to provide more consistency of details for Associates.

Update on the MPTS Committee's work programme for 2019

- 55** The MPTS Committee reviews its work programme throughout the year to confirm that the business of the Committee is relevant and addresses the duties and activities as detailed in the Committee's Statement of Purpose.
- 56** The MPTS Committee agreed that no amendments or additions were needed to the Committee's work programme for 2019.

Any other business

- 57** There was no other business.

Publication of MPTS Committee papers

- 58** The Committee noted that the MPTS Risk Register at Annex B of the Executive Manager's report would be withheld from publication. This is in line with corporate policy on risk registers.
- 59** The Committee noted the date and time of the next meeting: Wednesday 8 May 2019, 10:00 – 13:00.

Confirmed:

Dame Caroline Swift

8 May 2019

Agenda item:	5
Report title:	
Report by:	Gavin Brown , Executive Manager, gavin.brown@mpts-uk.org , 0161 240 8126
Considered by:	MPTS Committee
Action:	To consider

Executive summary

This report provides an update on the operational performance of the MPTS.

It includes updates on performance, risk, business plan projects, appeals, Operational Framework, staffing, tribunal member appointment campaign and diversity, facilities and indemnity insurance.

Annex A is the MPTS performance data, Annex B is the MPTS risk register and Annex C is the Operational Framework.

Recommendations

The Committee is asked to consider the report, along with the annexes.

Performance

- 1 For a summary of MPTS performance please see Annex A.

Risk

- 2 The only change to the MPTS risk register, since February's Committee meeting, has been to add a risk concerning the retention of Legally Qualified Chairs (see Annex B).
- 3 There has been no movement in the risk ratings.
- 4 There are currently no risks relating to the work of the MPTS on the GMC Corporate Opportunities and Risk Register.

Business Plan

- 5 As discussed at February's Committee meeting, Joanne Shepard, MPTS Information & Insight Manager has been leading our work to manage all of our projects on Microsoft Project Online (MSPO).
- 6 MSPO has been selected as the web-based application to be utilised across the GMC. It is project and portfolio management software available via cloud services and enables users to manage their projects and provide regular reports without the need for additional documentation.
- 7 Our use of MSPO will ensure all information concerning our projects is centralised, easily accessible and that the reporting project work is as efficient as possible for everyone involved.
- 8 MSPO has been updated with all 4 programme titles and all projects have been added.
- 9 At the Committee meeting Joanne will be providing a demonstration of how the MPTS are using MSPO to manage our business plan projects.

Operational Framework

- 10 The Operational Framework (OF) sets out how the MPTS will interact with other parts of the GMC.
- 11 The Operational Framework was agreed by the GMC / MPTS Liaison Group on 23 May 2012. The Operational Framework is a version controlled document. If either the MPTS or the GMC wish to amend or update the document then proposed changes must be considered by the GMC / MPTS Liaison Group. Once the GMC / MPTS Liaison Group has agreed the changes a new version of the OF will be produced. Previous versions of the OF will be archived.

- 12** The Operational Framework is reviewed every two years by the Executive Manager, MPTS and the Head of Governance in the Office of the Chair and Chief Executive. The biennial review will consider the relevance of the content of the Operational Framework in light of any changes that may have been made to either the GMC or MPTS way of working.
- 13** We would welcome the views of the MPTS Committee on the proposed amended version.

Appeals

- 14** Since the last update to the MPTS Committee on 6 February 2019, the additional learning points and reminders of points and principles arising from the judgments given in appeals / challenges to tribunal decisions from 1 January – 31 March 2019, include:
 - a** A Tribunal has jurisdiction to consider complaints about a doctor's behaviour and conduct occurring anywhere in the world. Since the GMC's remit is to protect the public of the UK and to promote and protect proper professional standards in the UK, it is bound to assess conduct with those standards in mind. A doctor's behaviour abroad is to be judged by reference to UK standards, but taking into account local conditions and practices;
 - b** A doctor's credibility and the way they give their evidence, including where a tribunal has decided that a doctor has given dishonest evidence in relation to the allegations which they face, are clearly relevant matters going to their fitness to practise generally;
 - c** The language of the Sanctions Guidance is permissive not mandatory;
 - d** Although tribunals should ensure that there is consistency and that they follow through previous findings at the impairment stage when considering sanction, tribunals should consider any further submissions or evidence at the sanction stage and conduct an appropriate and reasoned evaluation in light of them. Tribunals are not constrained by their findings or conclusion at the impairment stage in this situation;
 - e** Insight and remediation on the part of a doctor are essential if conditions are to be workable and effective and, in the light of the findings on impairment, these factors need to be carefully considered when determining sanction;
 - f** Although a reviewing tribunal should not go behind the first tribunal's findings, the reviewing tribunal is entitled and indeed bound, in its capacity as the tribunal, to revisit the findings of the first tribunal and may contradict a previous tribunal's findings when later acquired knowledge casts a different light on the previous tribunal's decision.

Staffing

- 15** Margaret Barry has joined as our new Case Manager, transferring from GMC Legal. Alex Treece has moved from Operations to the new Case Management Assistant post.
- 16** Bethany Culshaw and Sharon Hunter have taken up their new roles as Communications Manager and Training and Development Manager respectively.
- 17** Daryl Fox has returned to the Tribunal Assistants team after completing a development secondment with the Case Management team.
- 18** Sana Khan will join the Communications and Corporate Affairs section as an Information and Insight Analyst from the start of April, having completed a secondment to the GMC as part of the graduate scheme.
- 19** Florence Ravelle is taking a sabbatical from her role as Personal Assistant to the Chair and Executive Manager until August. Louise Daley will be working a five-day week to provide cover.
- 20** We have advertised for a number of Level 4 Tribunals Coordinators in Operations and a Level 6 Administrative Assistant in Tribunal Development.

Tribunal member appointments

- 21** On 4 January 2019, we advertised for Legally Qualified Chairs (LOCs) and Medical Tribunal Members.
- 22** The roles were advertised on the MPTS website and other relevant publications and websites and we contacted individuals who had expressed an interest in the role to notify them of the campaign.
- 23** The Committee was provided with further information, including a link to the campaign, on the 3 January 2019.
- 24** The closing date for applications was midnight on Friday 25 January 2019.
- 25** The interviews are progressing well and we are on track to inform candidates of the outcome by mid-May 2019.

Tribunal member diversity

- 26** We currently have a pool of 295 tribunal members, of whom 48% are female, 6% declare a disability and 20% declare as being BME (4% of tribunal members have not declared their ethnicity).

- 27** This compares favourably with the most recently published figures for HMCTS tribunals (49% female and 15% BME). It also compares well with the UK population (51% female and 13% BME).
- 28** We monitor how often our three-member tribunals are diverse for ethnicity. The availability of tribunal members within the pool determines how often this can be achieved.
- 29** Below are the figures for medical practitioners tribunal hearings combined for 2017 and 2018.

MPT hearings 2017-18	% of Hearings
Diverse for gender & ethnicity	46%
Diverse for gender only	44%
Diverse for ethnicity only	5%
Not diverse for gender or ethnicity	5%

Facilities

- 30** We are making progress with our plans to improve how visitors find their way around our hearing centre.
- 31** The first stage was the renumbering the 7th floor hearing rooms; this was completed over the weekend of the 23 and 24 March.
- 32** The most complex aspect was changes to the digital recording system and this swap has provided useful learning for future changes.
- 33** Changes to the 4th floor room names will happen later in the year. We will also be introducing colours to the corridors, with new carpets and improved signage.
- 34** After the successful refurbishment of our 7th floor reception, new meeting rooms and tribunal members' dining room, Facilities colleagues have turned their attention to the office space at the MPTS.
- 35** We have discussed some initial ideas and agreed that everyone will be getting a new desk, similar to the ones used by the Case Management team in the new office space.

- 36** We have enough space at the MPTS to give everyone their own desk, so there won't be a move to hot desking.
- 37** We held a drop-in session in the Big Kitchen throughout the day on Tuesday 19 February when we consulted on:
- a** A new kitchen space: there are some great options to consider, including removing any overtly work-related material from the walls.
 - b** A new approach to storage: lockers linked to desks, different types of storage units and moving stationery to under-utilised rooms.
 - c** A brighter working environment, with new blinds, fewer posters on walls and break-out areas.
 - d** New radiators for the front of the office, like those recently installed in the Operations area.
- 38** This is an opportunity to create a brighter, more pleasant working environment for everyone. There will be a big focus on neater storage – so we have asked everyone to get involved in a spring clean.

Indemnity insurance

- 39** We thought the MPTS Committee would be interested in the following which has been taken from the BMA website.
- 40** BMA secures fully-funded personal indemnity for GP trainees.
- 41** GP trainees will no longer need to purchase additional personal indemnity from April, under agreements secured by the BMA.
- 42** The BMA GP committee's 2019 / 20 contract agreement with NHS England secured delivery of the much-awaited state-backed clinical negligence indemnity scheme for GPs in England. Under the scheme, which starts on 1st April, all GP trainees placed in GP settings for training purposes will automatically be covered for clinical negligence liabilities – no payments are required to benefit from the indemnity provided.
- 43** Following further discussions between Health Education England (HEE) and the BMA's GP and GP trainee representatives, the BMA can confirm that comprehensive personal indemnity cover for all GP trainees will be funded by HEE until qualification.
- 44** This vital professional protection includes, for example, support with GMC investigations and hearings, assistance with criminal proceedings, protection for Good Samaritan acts, and free medicolegal advice.

- 45** Where a trainee's personal protection is currently provided by a medical defence organisation through a bulk-indemnity agreement, this will continue.
- 46** Those trainees who purchase their own professional cover should continue to seek full reimbursement until such times as a future bulk-indemnity agreement is arranged by HEE.
- 47** Full details of cover provided will be sent out by indemnifiers in the run up to April, and a Q&A detailing what should or should not be covered will be available on the BMA website.

5 – Executive Manager’s Report

5 – Annex A

MPTS Performance Review

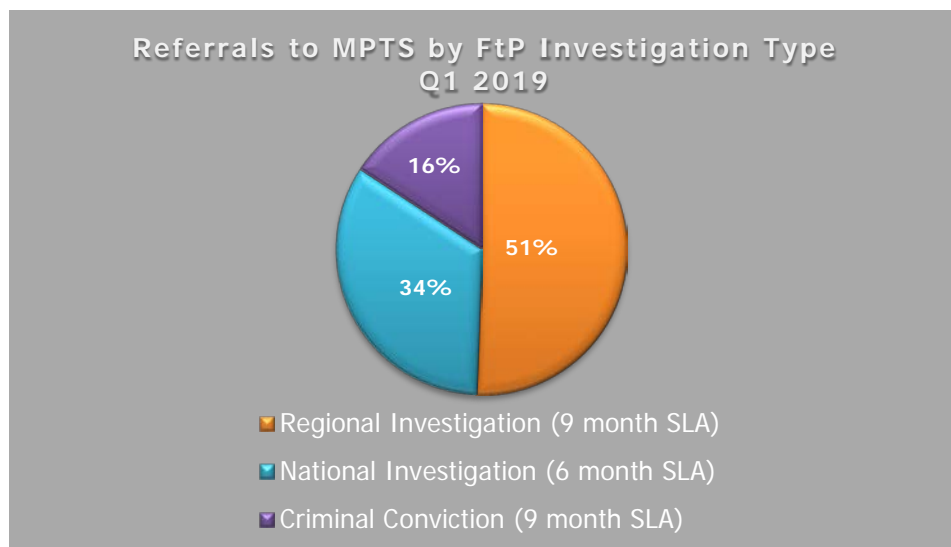
Q1 2019 MPTS Performance Review

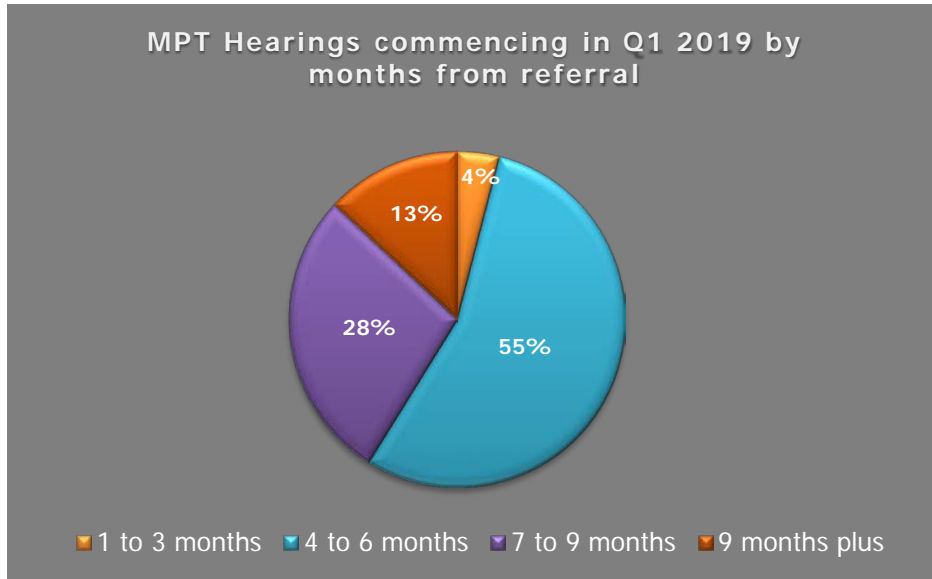
Referrals

1. Referrals to MPT in Q1 2019 have risen slightly in comparison to this period last year, with an average of 3 additional referrals per month. However, as referral rates remain unpredictable, this may not be an indication of an overall annual rise.
2. As explained in updates to the Committee of November 2018 and February 2019, Samantha Bedford, and her new case management section, is leading on the work to even out the monthly hearings workload.

Length of time between referral to MPT and hearing commencement

3. Until we introduce our new listing expectations, the MPTS continues to utilise classification of investigations by the GMC to set the timeline for listing MPT hearings.
4. The GMC classifies its investigations into three types and the service level agreement is to list regional investigation and criminal conviction cases within 9 months, and national investigation cases within 6 months.
5. In Q1, 85% of the cases referred to the MPTS had a 9-month commencement target. This is a 19% increase in the number of cases that required a 9-month commencement target in Q1 2018. One of the aims of our work is to help reduce the time between referral and hearing commencement.





6. In Q1 87% of MPT hearings commenced within 9 months.
7. Of the 10 hearings that commenced outside target, four resulted from the GMC's: delay in proceeding the investigation following referral, joinder application and request for additional preparation time.
8. Three instances resulted from either the doctor's health or lack of representation.
9. In one instance the previous tribunal decided to adjourn (rather than be forced to end part-heard) after being required to make various decisions connected to the defence submission that the GMC's evidence was irrelevant and highly prejudicial.
10. In another instance the delay was caused by the LQC becoming injured (and resulting unavailability of witnesses) and on another occasion the MPTS was unable to secure a quorate tribunal.

Length of time between referral to IOT and hearing commencement

11. The MPTS has a service level agreement to list 100% of IOT hearings no later than 3 weeks after referral from the GMC. This SLA is shared with the GMC, as they are expected to be case ready by the point of commencement.
12. This target was missed on one occasion in Q1. In this instance, although the MPTS was able to list the case within 3 weeks, delays were caused in the GMC making necessary disclosure to the doctor and the hearing had to commence outside of target.

5 – Executive Manager’s Report

5 – Annex C

GMC / MPTS Operational Framework



General
Medical
Council

MPTS

Operational Framework

Author:	Melanie Wilson
Version:	0.17
Status:	Draft version
Date:	April 2019

Document History

Version	Date	Description of Change	Author	Authorisation
0.1	02.05.2012	First issue	Robert Loughlin	
0.2	04.05.2012	Initial amendments from Paul Philip	Robert Loughlin	
0.3	14.05.2012	Amendments from: Chris Bone; Steve Downs; Andrew Bratt; Kathryn Dziubak (on behalf of David Anson), Steve Jones, Toni Smerdon, Shane Carmichael, James Ewing, Christine Payne, Howard Matthews.	Chris Bone	
0.4	15.05.2012	Standards and Fitness to Practise and Legal section incorporated by Robert Loughlin with support from Toni Smerdon	Robert Loughlin	
0.6	16.05.2012	Drafting / formatting amendments made by Robert Loughlin	Robert Loughlin	
0.7	16.05.2012	Annex B and C added to the document and final amends from Paul Philip	Robert Loughlin	
0.8	29.05.2012	Amendments arising from minutes of the meeting on 23 May 2012 and subsequent Council approval of amendment to OF (updated placeholder at paragraph 4.1, 2.3.1 and annex A, 10.2, 11.5, 13.2).	Chris Bone/Patsy Morrissey	
0.9	10.09.2012	Amendment arising from minutes of the GMC/MPTS Liaison Group meeting on 3 September 2012 (section 4.1 levels of service)	Patsy Morrissey	
0.10	02.10.2013	Amendments following annual review (as agreed by the GMC/MPTS Liaison Group at its meeting on 2 October 2013)	Christine Payne and Howard Matthews	
0.11	17.10.2014	Amendments following changes to the frequency of GMC/MPTS Liaison Group meetings (as agreed by the GMC/MPTS Liaison	Christine Payne	

		Group at its meeting on 11 February 2014 and by Council on 25 February 2014, and to reflect amendments arising from organisational changes and following annual review (as agreed by the GMC/MPTS Liaison Group on circulation September 2014)		
0.12	12.08.2015	Amendments following light-touch annual review (as agreed by the GMC/MPTS Liaison Group on circulation 12 August 2015)	Christine Payne and Howard Matthews	
0.13	09.12.2015	Amendments following the substantive review in light of the S60 Order changes to the Medical Act and further amendments arising from the Liaison Group discussion (as agreed by the GMC/MPTS Liaison Group on 25 November 2015)	Christine Payne and Howard Matthews	
0.14	31.12.2016	Amendments following annual review (as agreed by the GMC/MPTS Liaison Group on 5 December 2016)	Mary Morgan-Hyland and Howard Matthews	
0.15	31.12.2017	Amendments to reflect a number of changes to the GMC's governance structure and the MPTS's structure during 2017 and changes planned for January 2018 (as agreed by the GMC/MPTS Liaison Group on 4 December 2017)	Patricia Morrissey and Gavin Brown	
0.16	March 2018	Typographical amendments made following December 2017 meeting –agreed on circulation	Clare Rayner and Gavin Brown	
0.17	April 2019	Draft amendments following annual review	Melanie Wilson and Gavin Brown	

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1. Introduction

1.1 Purpose of the Operational Framework

The **Operational Framework (OF)** sets out how the Medical Practitioners Tribunal Service (MPTS) will interact with other parts of the General Medical Council (GMC), the levels and scope of service that it can expect to receive and the levels of service it will be expected to deliver.

1.2 Operational Framework approval process

The Operational Framework was agreed by the GMC/MPTS Liaison Group on 23 May 2012. The Operational Framework is a version controlled document. If either the MPTS or the GMC wish to amend or update the document then proposed changes must be considered by the GMC/MPTS Liaison Group. Once the GMC/MPTS Liaison Group has agreed the changes a new version of the OF will be produced. Previous versions of the OF will be archived.

1.3 Periodic review of the Operational Framework

The Operational Framework will be reviewed every two years by the Executive Manager, MPTS and the Head of Governance in the Office of the Chair and Chief Executive. The biennial review will consider the relevance of the content of the Operational Framework in light of any changes that may have been made to either the GMC or MPTS way of working.

1.4 Ownership of the Operational Framework

The Operational Framework document will be owned and maintained by the Head of Governance. The Head of Governance will ensure that this document is stored and version controlled correctly.

2. Governance arrangements

2.1 Overview

The MPTS was established in 2012. It was established initially as a general committee of Council. Operational responsibility for hearings transferred from the Standards and Fitness to Practise Directorate to the MPTS on 11 June 2012. The MPTS has been established to provide an efficient and effective hearings service to all parties to hearings which is clearly separate from the investigatory and case presentation roles of the Fitness to Practise Directorate within the GMC. The MPTS is also responsible for the recruitment, training, and performance management of tribunal members, case managers and legal assessors.

On 31 December 2015 the MPTS was established as a statutory committee of the Council following an amendment to the Medical Act 1983 and the implementation of The General Medical Council (Constitution of the Medical Practitioners Tribunal Service) Rules Order of Council 2015.

The MPTS is accountable to Council and the Chair of the MPTS is directly accountable to the Chair of the GMC Council. The MPTS is also directly accountable to Parliament and is required, under section 52B of the Medical Act 1983 as amended, to submit an annual report to Parliament.

A joint GMC/MPTS Liaison Group has been established to ensure that joint working arrangements are established and operate effectively. Its Statement of Purpose is included in the Governance Handbook. The Liaison Group includes representatives from the GMC and MPTS and is discussed in more detail in section 3.2.

The Executive Manager, MPTS and all MPTS staff remain as GMC employees. They are, however, operationally separate from those Fitness to Practise Directorate (FPD) staff involved in the investigation and presentation of cases before MPTS tribunals. The Executive Manager, MPTS is accountable to the GMC's Chief Operating Officer but on a day-to-day basis takes direction from the Chair of the MPTS.

2.2 Independent tribunal decision-making

The enhanced separation achieved through the governance arrangements and the separation in systems and procedures provides greater confidence for the medical profession and the public that decisions made by individual MPTS tribunals are independent and free from the influence of those involved in the investigation and presentation of individual cases.

2.3 The role of the MPTS Committee

The MPTS Committee consists of the Chair of the MPTS and four other appointed Committee members, two medical and two lay. The MPTS Committee Statement of Purpose is at Annex A.

2.4 The role of the Chair of the MPTS

The MPTS is headed by an independently appointed Chair, appointed by the GMC to provide high-level leadership and management to the MPTS.

Through his/her leadership, the Chair ensures:

- High quality standards of case management and decision making by medical practitioners tribunals having regard to the overarching objective to protect the public.
- The further development of appropriate systems for the appointment, training, assessment and, where required, the removal of tribunal members, legal assessors and case managers.
- The further development of training, assessment and guidance for tribunal members, legal assessors and case managers.

2.5 Governance support

The GMC's corporate governance practice and procedures, including as set out in the Governance Handbook, applies to the MPTS, and the Executive Manager, MPTS will work closely with the Governance team within the GMC's Office of the Chair and Chief Executive to assure this.

The Governance Officer in the MPTS will undertake secretarial and other support for MPTS Committee meetings. A GMC Governance Manager will work with the Executive Manager, MPTS and Chair of the MPTS to ensure the effective management of work requiring consideration by the GMC/MPTS Liaison Group and/or Council.

2.6 Correspondence / complaints received by the Chair of the MPTS and members of the MPTS Committee or by the Executive Manager, MPTS and other MPTS staff

All correspondence addressed to the Chair of the MPTS and other members of the MPTS Committee relating to issues contained within the MPTS Committee Statement of Purpose will be reviewed in the first instance by those they are addressed to, with support, as appropriate, from the Communications and Corporate Affairs section of the MPTS.

Where the correspondence refers to other aspects of the GMC and not directly to the work of the MPTS the correspondence will be passed to the relevant Director or to the Office of the Chair and Chief Executive (OCCE) or the Corporate Review Team (CRT).

Where the correspondence relates to both MPTS and other GMC issues, a discussion between the relevant Director's office, OCCE, CRT and the Communications and Corporate Affairs section of the MPTS will take place in order to agree the most appropriate response (this maybe a response from the relevant Director's office, OCCE or CRT with a contribution from the MPTS or two separate responses as appropriate).

All teams will ensure that the other offices are copied in to any responses where the correspondence is being sent from an office that is different from the original addressee or a contribution has been provided by the other offices.

Complaints received by the Chair of the MPTS or other members of the MPTS Committee will be dealt with in line with the existing GMC/MPTS corporate complaints handling policy.

Complaints about MPTS Committee members will be handled in accordance with the Procedure for dealing with complaints against members of the MPTS Committee and for removal and suspension (see section 5.1).

All correspondence addressed to the Executive Manager, MPTS or other members of the MPTS staff will be dealt with in line with the GMC's correspondence handling procedures.

Complaints received by the Executive Manager, MPTS or other members of the MPTS staff will be dealt with in line with the MPTS corporate complaints handling policy.

3. Interaction with Council

3.1 Amendments to the Governance Handbook

At its meeting on 30 September 2015, Council approved changes to the Governance Handbook to reflect the establishment of the MPTS as a statutory committee of Council. At the same time, Council approved amendments to the Schedule of Authority outlining authorities and delegations to the MPTS in relation to running the hearings service, and approved the MPTS Committee Statement of Purpose, reflecting the requirements of the Medical Act and the MPTS Rules¹. The MPTS Committee Statement of Purpose is at Annex A.

3.2 The role of the GMC/MPTS Liaison Group

The Liaison Group has responsibility for ensuring that joint working arrangements are established and operate effectively. The Group will:

- Provide assurance to Council that the MPTS is delivering against its objectives through the report from the Chair of the MPTS to Council and its annual report to Parliament.
- Work collaboratively to manage corporate risks and issues.
- Resolve any policy or operational issues that may arise.
- Provide an internal feedback mechanism between the other functions of the GMC and the MPTS.

3.3 The MPTS Chair's twice yearly report to Council

The Chair of the MPTS will submit a report to the Council twice a year covering the work of the MPTS Committee. The content of the report should be discussed and agreed at the Liaison Group in advance of the report being submitted to Council.

¹ The General Medical Council (Constitution of the Medical Practitioners Tribunal Service) Rules Order of Council 2015.

3.4 The MPTS Annual Report to Parliament

The MPTS is required by statute to submit an annual report to Parliament. This will include information on the nature and volume of cases referred to the MPTS, on the exercise of MPTS functions including a description of the arrangements that the MPTS has put in place to ensure that it adheres to good practice in relation to equality and diversity, and on learning points identified and actions taken to address these.

While the Medical Act 1983 requires the MPTS to report to Parliament, it does not require the publication of separate accounts.

The Liaison Group will have regard to the MPTS annual report and will be used as a forum for considering the issues included in the draft report prior to its submission to Parliament. The annual report will form an annex to one of the MPTS Chair's reports to Council.

3.5 Escalation of issues

One of the purposes of the Liaison Group is to resolve any policy or operational issues that may arise. If such an issue cannot be resolved through discussion at the meeting, the Chair of the GMC Council will make a decision on the matter.

If the MPTS Committee is dissatisfied with either the outcome of the discussion or the final decision made by the Chair of Council then it may choose to include the issue within the Chair's bi-annual report to Council.

If the MPTS Committee is dissatisfied with the outcome of a Council decision relating to a matter it raised in the bi-annual report to Council, the MPTS Committee may choose to include the matter within the annual report to Parliament. This is the final point of escalation.

3.6 The role of the GMC's Executive Board

The Executive Board will scrutinise the MPTS budget prior to recommending an overall GMC budget to Council for approval on an annual basis. The budget will be prepared in line with the GMC budgeting process but unlike other aspects of the GMC budget it will be discussed at the Liaison Group prior to consideration by the Executive Board.

The Executive Board will also consider any requests to vary the budget during the financial year in line with the existing GMC budgeting process. Again, this will be discussed at the Liaison Group prior to consideration by the Executive Board.

Where policy developments have an impact on the adjudication model, fitness to practise policy or wider GMC policy, or where there are resource or performance issues they will be considered by the Executive Board.

3.7 The role of the Remuneration Committee

The Remuneration Committee is responsible for agreeing the appointment and suspension/removal process for the Chair of the MPTS and members of the MPTS Committee; and the remuneration, benefits and terms of service for the Chair and members of the MPTS Committee.

3.8 The role of the Audit and Risk Committee

The Executive Manager, MPTS, in discussion with the Chief Operating Officer and Chair of the MPTS, will be responsible for maintaining a local risk register for the MPTS. This will feed into the Corporate Risk Register that is used to log corporate risks and to inform the annual internal audit programme.

The outcome of MPTS audits will be considered by the Audit and Risk Committee and any action required will be the responsibility of the Executive Manager, MPTS.

The Chief Executive or Chief Operating Officer may require the Executive Manager, MPTS to undertake a Significant Event Review (SER) if he/she considers that a particular event justifies such an action. This will be prepared in line with the standard SER process that is used across the organisation. The outcomes of SERs relating to the MPTS will be reported to the Audit and Risk Committee.

The Audit and Risk Committee's remit extends in all respects to the MPTS as set out in its Statement of Purpose. The associated Financial Regulations also apply to the MPTS, including in relation to risk management, internal control and audit requirements.

4. Levels of service

4.1 Levels of service that the GMC can expect from the MPTS

That Interim Orders Tribunal (IOT) hearings commence within three weeks of the referral. The target for this Service Level is 100%.

That Medical Practitioners Tribunal (MPT) hearings commence within nine months of a referral. The target for this Service Level is 90%.

The MPTS will aim to list all hearings to commence at the earliest fair opportunity, taking account of the reasonable preparation time required by both parties.

MPTS service targets will be reported through the Chief Operating Officer's report to Council and through the MPTS Committee reports to Council. An explanation for any variations of performance will be provided through the reports. The MPTS and GMC will keep the service targets under review as joint owners.

All GMC finance and procurement policies will apply to MPTS staff. These policies include Financial Regulations, Anti-Fraud Policy, GMC Expenses Policies, Gifts and Hospitality Policy, and the GMC Procurement Policy.

MPTS staff will provide all financial support and access to information as necessary for the GMC to fulfil its statutory financial reporting obligations.

The MPTS will follow the GMC's policies and procedures which relate to information security. This will include certification to ISO 27001, the international information security standard and compliance with BS 10008, the standard for the legal admissibility and evidential weight of electronic information.

4.2 Levels of service that the MPTS can expect from other parts of the GMC

The MPTS will receive services from key back office functions such as Human Resources (HR), Finance, Information Systems (IS), the Contact Centre, Corporate Business Planning, Facilities, and the Governance team, in line with the levels of service that are in place for other parts of the GMC. The MPTS will also receive strategy and policy support from the GMC's Strategy and Policy teams. Separate service levels will not apply to the MPTS.

4.3 Monitoring

Any issues which arise in relation to the Operational Framework will be considered by the GMC/MPTS Liaison Group. If either the GMC or the MPTS wishes to raise an issue regarding the Operational Framework they should give notice in advance of consideration by the Liaison Group at a meeting.

5. Working with the GMC Chair, the Chief Executive, and the Chief Operating Officer

5.1 Correspondence / complaints received by the Chair and Chief Executive Private Office that relates to the MPTS

Correspondence received by the Office of the Chair and Chief Executive (OCCE) that relates to the MPTS specifically will be passed to Communications and Corporate Affairs section of the MPTS to respond to in line with the GMC's correspondence handling procedures.

Where the correspondence relates to both MPTS and other GMC operations, a discussion between OCCE and the Communications and Corporate Affairs section of the MPTS will take place in order to agree the most appropriate response (this may be a response from the OCCE with a contribution from the MPTS or two separate responses as appropriate; or including a response or contribution from the Corporate Review Team (CRT)).

OCCE and the Communication and Corporate Affairs section of the MPTS will both ensure that the other offices are copied in to any responses where the correspondence is being sent from an office that is different from the original addressee or a contribution has been provided by the other offices.

Complaints received by OCCE that relate to the work of the MPTS will be passed to the Communications and Corporate Affairs of the MPTS to deal with in line with the MPTS corporate complaints handling policy (see section 2.3.4).

Complaints about the Chair of the MPTS or members of the MPTS Committee will be passed to the Head of Governance who will forward it to the Chair of the Remuneration Committee to be handled in accordance with the Procedure for dealing with complaints against members of the MPTS Committee and for removal and suspension.

5.2 Attendance at Council / Boards / Committees / meetings by MPTS Committee members, the Executive Manager, MPTS and MPTS staff

MPTS Committee members (including the Chair of the MPTS), the Executive Manager, MPTS and MPTS staff may attend Council meetings by invitation from the Chair of the GMC Council or the Chief Executive/ Deputy Chief Executive/Chief Operating Officer (in relation to staff).

The Executive Manager, MPTS, as a member of the GMC Leadership team, will attend other Board/Committee meetings appropriate to the role and the issues under consideration.

5.3 The role of the Chair of the GMC Council and the GMC Chief Executive in relation to the MPTS

The Chief Executive of the GMC and Chair of the MPTS will meet on a regular basis, typically quarterly, to discuss operational and policy matters and to monitor the working of the relationship between the MPTS and other parts of the GMC.

In addition the Chair of Council will meet with the Chair of the MPTS on a regular basis to review progress against the objectives and to discuss any concerns or issues that may arise.

5.4 The role of the Chief Operating Officer in relation to the MPTS

The Chief Operating Officer is responsible for setting the objectives and carrying out the appraisal of the Executive Manager, MPTS in line with the GMC's performance management procedures. The Chief Operating Officer will meet with the Executive Manager, MPTS on a regular basis to review progress against the agreed objectives, consulting the Chair of the MPTS as required. In the absence of the Chief Operating Officer, the Chief Executive will assume line management responsibility for the Executive Manager, MPTS.

6. Finance

6.1 Annual budget approval process

The Executive Manager, MPTS will work with the management accountant to prepare a draft budget in line with the annual budget setting plan which is circulated by the Assistant Director, Finance and Procurement on an annual basis. The Liaison Group will then consider the draft budget before it is considered by the Executive Board and by Council for approval.

6.2 MPTS Operational plan / cost model

The draft budget will be based on the Operational Plan for the forthcoming year and the agreed cost model for the MPTS. If there are any proposals to change the cost model (by changing associate fee rates for example), these should be discussed between the Executive Manager, MPTS and Assistant Director, Finance and Procurement and will need to be agreed by the Executive Board. The Operational Plan should also include volume assumptions and the basis on which these have been arrived at.

6.3 In year monitoring / reporting

In line with the current budget management process any projected over or under spend should be communicated well in advance to the Executive Board via the Assistant Director, Finance and Procurement. If the projected over spend is due to a change in operational volumes or a planned change in the operational plan / cost model for the MPTS, a report will be made to the Executive Board for consideration (and discussed by the Liaison Group at a meeting). The Executive Manager, MPTS should identify options to contain any budget overspends. Any increase in budget can only be agreed by the Executive Board subject to the requirements of paragraph 19 of the Financial Regulations as appropriate, detailed as follows:

'The Chief Operating Officer may seek Council's agreement to an additional budget allocation within the year, if this is deemed appropriate by the Chief Executive'.

6.4 Expenses policy: the Executive Manager, MPTS and MPTS

The Executive Manager, MPTS and staff who work in the MPTS are salaried members of staff, paid via the GMC payroll, and are required to adhere to the published staff expenses policy. Staff expense claims will be paid through the GMC payroll.

6.5 Remuneration and expenses policy: Chair of the MPTS and members of the MPTS Committee

The remuneration and benefits for the Chair of the MPTS and members of the MPTS Committee will be agreed by the Remuneration Committee.

The members of the MPTS Committee will receive a set annual fee paid in equal instalments through the monthly payroll.

The Chair of the MPTS and MPTS Committee members are required to adhere to the Associates Expenses Policy. The Chair of the GMC Council will approve the expense claims submitted by the Chair of the MPTS.

6.6 Executive Board

The MPTS will be expected to identify efficiency savings in line with the targets that are set by the Executive Board.

The Executive Manager, MPTS may be invited to attend Executive Board meetings in order to discuss the MPTS performance against the business plan and to contribute to the organisation's efficiency programme.

7. Human Resources

7.1 Role of the Associate Services team in relation to the MPTS

The Associates Services team will provide support to the MPTS by:

- Advising on contractual issues relating to tribunal members, case managers and legal assessors.
- Supporting and quality assuring the recruitment process of tribunal chairs, tribunal members, case managers and legal assessors through the HR infrastructure.
- Providing additional support at the request of the Tribunal Development Team.

7.2 Changes to the terms and conditions of tribunal members' contracts

Any proposed changes to tribunal members' contracts will be managed through the Associate Services team. If the MPTS wishes to amend the terms and conditions it will need to be agreed with the Chief Operating Officer and if necessary put to the Liaison Group / Executive Board for a decision / approval.

8. Facilities

8.1 Facilities support in St James's Buildings (SJB)

The MPTS will receive facilities management support from the GMC. Requests for facilities management services are made through the dedicated SJB Facilities Helpdesk which can be contacted via email, telephone or the Ivanti online help desk system. Services include catering service for tribunal members, business meetings and events, cleaning, preventative and reactive maintenance, security services, reprographics and postal services, audio-visual equipment, meeting room bookings and hearing room scheduling.

Catering service costs are charged to the relevant cost code(s).

A dedicated Facilities Manager and supporting team are permanently based in SJB. The Facilities Manager line manages facilities staff and manages contractors who supply facilities services to the GMC and the MPTS. Regular meetings between the Facilities Manager and the Executive Manager, MPTS are held.

8.2 Estate management

The GMC Facilities team are responsible for all aspects of estate management including lease administration and landlord liaison. Decisions relating to the existing lease on SJB will be considered by the Executive Board.

8.3 Document and postal services

The Facilities team provides a full postal and reprographic service to the MPTS. Postal services include courier requests, standard Royal Mail collections and Royal Mail special delivery (for items such as Notices of Hearing).

8.4 Reception

The Facilities team provides a reception service to the MPTS.

8.5 Hearing stewards

To ensure the smooth running of hearings the Facilities team provides a full time hearing steward and additional stewards on an as required basis. Each month, the Facilities Manager meets with colleagues from the MPTS, Strategic Communication and Engagement and Fitness to Practise Directorates to discuss forthcoming hearings. The group considers information gathered and identifies any hearings where the hearing steward may be required. Urgent requests are responded to immediately.

8.6 Business continuity planning

It is the role of the Business Continuity Working Group to help the GMC to deliver an immediate response to a major event and ensure that we are able to continue to operate important areas of GMC work including the MPTS. It is the responsibility of the Executive Manager, MPTS to represent the interests of the MPTS as a member of the Business Continuity Working Group and manage any operational responsibilities that are assigned to them in the business continuity plan.

8.7 Workplace Development

The Facilities team provides a workplace design, fit out and office move service. Where required, the team provide project management services and engage specialist services such as architects and other property consultants.

9. Quality Assurance

MPTS will operate a quality assurance programme to review the quality of operational and administrative matters, such as correspondence, actions arising from tribunal hearings, updating hearing outcomes in Siebel, redaction quality, and empanelment processes. The scope of the quality assurance programme and the way in which results are reported will be agreed by the Executive Manager, MPTS. The quality of tribunal decisions remains the responsibility of the MPTS Quality Assurance Group, chaired by the Chair of the MPTS.

If additional resource requirements are identified during the year, MPTS will deal with this through the appropriate additional budget channels.

In addition MPTS operations will be subject to GMC corporate quality assurance and internal audit reviews. MPTS may request support from either the Quality Assurance and Continuous Improvement team or internal audit for specific pieces of advisory work outside the pre-approved internal audit programme.

10. Legal

The MPTS has its own dedicated legal support provided through the MPTS Senior Legal Adviser and, where demand requires it, the Case Management section of the MPTS. All Advice relating to independent decision making is provided by the MPTS legal resources.

10.1 The role of GMC Legal in relation to the MPTS

GMC Legal will provide legal support to the MPTS in relation to:

- Threats of, or actual, litigation relating to decisions or actions by MPTS staff, a Tribunal, or members of the MPTS Committee (but only where the MPTS and GMC Legal conclude that these cannot be dealt with by the MPTS legal resources or the litigation in question falls within the scope of paras 10.2-10.5 below).
- Input into policy and rule changes (where the MPTS and GMC Legal conclude that this cannot be provided via the MPTS legal resources).

10.2 Section 40 and Section 29 Appeals

Appeals by doctors under Section 40 (Medical Act 1983) or by the PSA under Section 29 (NHS Reform and Health Care Professions Act 2002) will continue to be

handled by the GMC as the MPTS will play no part in such appeals. However, as it is impossible to predict every circumstance, a case-by-case approach is proposed so that if required the MPTS can be involved.

10.3 GMC Right of Appeal

Under Section 40A (Medical Act 1983) the GMC has a right of appeal against a decision of a Medical Practitioners Tribunal. Decision making in prospective appeals involving decisions of Medical Practitioners Tribunals is delegated to an Executive Panel of the GMC comprising the Chief Executive and Registrar as Chair, the Medical Director and Director of Education and Standards and the Director Fitness to Practise or their nominated deputies if not available (“the section 40A Panel”). The MPTS will have no role in that decision, other than to provide material which would be required for the decision, itself, or any resultant appeal.

10.4 Judicial Review

In the event that judicial review proceedings are issued they will continue to be handled by the GMC and final sign off will rest with the Chief Executive. However, a case-by-case approach is proposed as the MPTS may need, in rare cases, to be actively involved. The GMC’s Director of Fitness to Practise and General Counsel will keep the Chair of the MPTS updated in respect of Judicial Review claims against decisions of the Medical Practitioners Tribunals or Case Manager.

10.5 Other litigation

In the event that other claims are made e.g. in the Employment Tribunal or claims for damages in the relevant UK court² the proceedings will be handled by the GMC. However, a case-by-case approach is proposed as the MPTS may need, in rare cases, to be actively involved.

11. Communication

11.1 Key principles for communication and engagement

² the High Court or County Court of England and Wales; the High Court or County Court of Northern Ireland; the Court of Session or Sherriff Court in Scotland

The key principle is the sharing of information openly and regularly between the MPTS and the rest of the GMC on matters of internal and external communication.

The MPTS Communications and Corporate Affairs section will be responsible for ensuring that relevant MPTS and GMC staff are kept fully informed of MPTS communications activity, particularly high profile hearings and engagement with stakeholders.

The MPTS Communications and Corporate Affairs section will keep the Regional Liaison Service and Devolved Offices updated on any matters concerning their respective areas.

11.2 Commenting on MPTS decisions

Should the GMC wish to comment on a decision of a MPT or IOT (including publicly stating that the GMC will be exercising its right of appeal), any draft press release or statement will be shared with the MPTS in advance of that release or statement being issued to the media (in line with the “no surprises” approach).

11.3 GMC publications

The MPTS may feature in the GMC publications. Those responsible for producing those publications will discuss content with the MPTS and seek agreement on the final draft of any such material ahead of publication.

12. Corporate Issues

12.1 Guidance for tribunal members

MPTS tribunals must have regard to the Sanctions Guidance (approved by the Council of the GMC and developed by a steering group that was chaired by the Chair of the MPTS and involved staff from the MPTS and the GMC), and other GMC guidance which is set out in Annex B.

Tribunal members, whilst exercising their own judgement in making individual decisions, must take into consideration the standards of good practice established by the GMC to ensure consistency and transparency in the decision making process.

Tribunal members are expected to refer to the relevant guidance in support of their decisions and to confirm that it has been followed, or if not, to explain why not.

The GMC's guidance will be reviewed and updated as the need arises. The Chair of the MPTS and Executive Manager, MPTS will feed into the development of new / revised guidance, in particular any relevant issues arising from operational experience, as well as being consulted on changes to published guidance.

12.2 Professional Standards Authority performance review

Each year the GMC submits evidence to the Professional Standards Authority (PSA) on its performance which the PSA then considers as part of its annual review of the performance of the UK's healthcare regulators. The MPTS will provide data as required which may be used in the GMC's submission to the PSA: the GMC will submit a single response and will make it clear that the MPTS has contributed.

The Executive Manager, MPTS will prepare the MPTS contribution (in line with the process that was agreed by the previous Performance and Resources Board) and discuss this with the Chief Operating Officer to agree the response. Any issues requiring resolution will be considered by the Liaison Group if required.

12.3 Reviews and consultations by public bodies

The GMC works with a wide range of organisations. Consequently, when these organisations consult on new proposals, the GMC often responds to their consultations in accordance with the corporate consultation protocol. As a general rule, consultation responses will come from the GMC as a whole and the MPTS will be given an opportunity to contribute to the response where the issues relate either directly or indirectly to the work of the MPTS.

In the event that the GMC and MPTS are unable to reach an agreed position on an issue within an external consultation, the GMC will acknowledge this difference in views in the text of the consultation response.

12.4 Equality and Diversity

The MPTS is required to adhere to the GMC's equality and diversity policies and will work closely with the GMC's Fitness to Practise Policy team and the Equality and Diversity team within the Office of the Chair and Chief Executive to assure this.

In addition the MPTS annual report to Parliament will include a description of the arrangements that the MPTS has put in place to ensure that it adheres to good practice in relation to equality and diversity.

Annex A: Statement of purpose of the Medical Practitioners Tribunal Service Committee

Statement of purpose of the Medical Practitioners Tribunal Service Committee

Purpose

1. The Medical Practitioners Tribunal Service (MPTS) is a statutory committee of the General Medical Council established under Section 1 (3) (g) of the Medical Act 1983 (as amended) and constituted in accordance with the MPTS Rules³.
2. The MPTS is responsible for providing a hearings service to the GMC that is efficient, effective and clearly separate from the investigatory role of the Fitness to Practise Directorate within the General Medical Council.

Duties and activities

3. The MPTS Committee is responsible for ensuring:
 - a The delivery of a hearings service that demonstrates efficiency and effectiveness.
 - b The appointment of Medical Practitioners Tribunal and Interim Orders Tribunal members (including chairs) and that appropriate systems for the appointment, training, assessment and, where required, the removal of tribunal members are in place.
 - c The appointment of legal assessors and case managers and that appropriate systems for the appointment, training, assessment and, where required, the removal of case managers are in place.
 - d Maintenance of a system for declaration and registration and publication of Committee members' private interests.
 - e Consideration of matters by a Medical Practitioners Tribunal/Interim Orders Tribunal.
 - f High quality standards of decision-making by Medical Practitioners Tribunals and Interim Orders Tribunals are maintained.

³ The General Medical Council (Constitution of the Medical Practitioners Tribunal Service) Rules Order of Council 2015.

- g** High quality standards of case management by case managers are maintained.
- h** The setting and maintenance of guidance for the MPTS tribunals, case managers, and legal assessors, as required.
- i** That the MPTS applies the equality and diversity strategy and policies of the GMC.
- j** Notification of Medical Practitioners Tribunal and Interim Orders Tribunal decisions as required by the Medical Act.
- k** Effective liaison with all users of the hearings service provided by the MPTS.
- l** An annual report which meets the requirements of Section 52B of the Medical Act 1983 as amended.

Delegations

4. The delivery of the operational requirements of the MPTS may be delegated by the GMC Council to the Chair of the MPTS or to such other officer of the General Council as specified in Council's Schedule of Authority. Responsibility for the day-to-day operational management of the MPTS rests with the Executive Manager, MPTS.

Membership

5. The membership of the MPTS Committee, as constituted in accordance with the MPTS Rules, is the Chair of the MPTS and four other MPTS members, two medical and two lay. The MPTS is chaired by the Chair of the MPTS.
6. One medical and one lay member will be currently sitting MPTS tribunal members. The remaining medical and lay members may be external co-opted or demitted MPTS tribunal members.
7. When the appointed chair of the MPTS Committee is absent from a meeting, or has had to withdraw owing to a conflict of interest, the meeting is chaired by another member of the MPTS Committee nominated by the members of the Committee present.

8. The Executive Manager, MPTS will attend Committee meetings but is not a member of the Committee.
9. The Committee may invite other members of MPTS or GMC staff, or external parties to attend or present at individual meetings so as to progress its business.
10. The quorum for meetings of the MPTS Committee is three.

Working Arrangements

11. The MPTS Committee meets at least four times a year. At the discretion of the Chair of the MPTS, additional meetings can be convened, if required. Formal decision-making is supported by papers setting out options and recommendations.
12. Papers for each meeting will normally be sent electronically, and in hard copy on request, to MPTS Committee members at least seven days in advance of meetings. Work may be progressed electronically outside of the meetings, including the use of teleconference and videoconference facilities, at the discretion of the Chair.
13. In discussion of agenda items the intention is to reach agreement by consensus. Voting occurs only when consensual agreement cannot be reached and is by show of hands. If the votes are equal the person who chairs the meeting has a casting vote in addition to his/her vote as a member of the Committee.
14. The MPTS Committee Secretary minutes each meeting and aims to circulate the minutes, as cleared by the Chair of the MPTS, to members for comments within two weeks of the meeting. The MPTS Committee approves minutes at the next Committee meeting. Minutes record the conclusions of the MPTS Committee on the issues considered.
15. Where matters are being discussed outside a face-to-face meeting, for example by exchange of emails or teleconference calls or videoconferences, the MPTS Committee Secretary will liaise with the Chair of the MPTS to agree the most appropriate mechanism for seeking views depending on the issue. In such instance the conclusions of the MPTS Committee will be reported at the next Committee meeting and recorded in the minutes.

16. The MPTS Committee agenda, minutes and papers will be published on the MPTS website. Papers relating to a decision being made will be published in accordance with our publication scheme.

Accountability and reporting

17. The Chair of the MPTS is accountable to the General Medical Council through the Chair of the GMC's Council, and will report to Council on its work to fulfil the statutory duties for which it is accountable to the Privy Council on a twice-yearly basis. The report will summarise the performance of the MPTS during the previous reporting period, and the work of the MPTS Committee.
18. In addition, the MPTS will report annually to Parliament (via the Privy Council). This report will be coordinated for submission with the GMC Trustees' annual report and accounts.

Annex B: GMC guidance that Medical Practitioners Tribunals use to help them reach their decisions

1. Sanctions Guidance.
2. Supplementary Guidance to the Sanctions Guidance on the relevance of whether a doctor holds a licence to practise.
3. *Good Medical Practice* and other GMC publications on standards.
4. Explanatory Guidance.
5. Imposing Interim Orders – Guidance for the Interim Orders Tribunal and the Medical Practitioners Tribunal.
6. Imposing Interim Orders - Supplementary Guidance on the licence to practise.
7. Medical Practitioners Tribunals Conditions Bank.
8. Interim Orders Tribunal Conditions Bank.
9. Undertakings at Medical Practitioners Tribunal Hearings, including Undertakings Bank.
10. Glossary of terms used in our Conditions and Undertakings Banks.
11. Guidance on Warnings.
12. Guidance on dealing with applications for Restoration (following Voluntary Erasure or Administrative Erasure).
13. Guidance for Medical Practitioners Tribunals/Chairs conducting reviews on the papers.
14. Guidance for Medical Practitioners Tribunals on Case Management and Exercising Powers Under Rule 16(8) (Adverse inferences, refusal to admit evidence and awarding costs).
15. Guidance for Case Managers on the assessment of costs.
16. Non-compliance hearings guidance for Medical Practitioners Tribunals.

Agenda item:	7
Report title:	Quality Assurance Group 2019 mid-year review
Report by:	Tamarind Ashcroft , Head of Tribunal Development tamarind.ashcroft@mpts-uk.org , 0161 240 7291
Action:	To note

Executive summary

This paper details an overview of the meetings held in the last quarter of 2018 and the first quarter of 2019 which accounts for the QAG outputs for the six months to the end of February 2019, highlighting any themes emerging.

Recommendation

The MPTS Committee is asked to note the outputs of the relevant QAG meetings.

Volumes

- 1 During the period 1 September 2018 - 28 February 2019, there were a total of 925 MPTS hearings including Medical Practitioners (MPT), Interim Orders (IOT) and Non-compliance hearings (NCH). Of these, 198 were selected for QAG review. It is important to note that the QAG only reviews decisions once the appeal period has passed and any learning points from appeals will be considered at a later stage.

MPT Decisions

- 2 During this period the QAG reviewed 30% of MPT decisions (included within this number are restoration hearings). This figure reflects the overall decisions reviewed; while we will consider a high proportion of 'new' MPT decisions we continue to quality assure a lower proportion of review hearing cases where fewer learning points typically arise.

Sept 18-Feb 2019		
Number of hearings	MPT (New- (N))	183
	MPT (Review- (R))	<u>101</u>
	TOTAL	284
Cases selected for QAG	MPT (N) inc restoration	60
	MPT (R)	<u>25</u>
	TOTAL	85

- 3 The standard of drafting has improved and a reduced number of learning points have been identified during this period. The themes for learning points for MPT that have emerged relate to the need to ensure detailed reasons, particularly with reference to type and duration of sanction, and to clarify the specific reasons for a hearing being held in private when the presumption is that hearings are typically in public. We have continued to revise the determination frameworks that were introduced last year and this is having a positive impact on the consistency and clarity of decisions.
- 4 Training preparation for 2019 will commence later this year and will address learning points. Induction training for 2019 will ensure learning points are reflected within the content. We anticipate producing a further video and webinar sessions prior to this in early summer.

IOT Decisions

- 5 During this period the QAG reviewed 16% of both new and review IOT decisions, but this includes 30% of new IOT decisions being reviewed.

Sept 18-Feb 2019

Number of hearings	IOT (N)	179
	IOT (R)	<u>453</u>
TOTAL		632
Cases selected for QAG	IOT (N)	54
	IOT (R)	<u>50</u>
TOTAL		104

- 6** Again a high quality of decision drafting was observed with very few learning points identified during this period. Areas for learning included the need for more detailed reasons, particularly where conditions were found to be the appropriate order, reflecting on the types of conditions appropriate in the case, and also the need to ensure that the flow and clarity of decisions were clear. Lack of clarity was typically observed where tribunals had deviated from the use of the relevant framework.

IOT training in 2019 will address learning points and best practice, in addition to a refresher on equality, diversity and inclusion. An e-learning module for an introduction on IOT has recently been produced and delivered which will be a static module that any tribunal member wanting to refresh themselves on IOT will be able to take.

Non-compliance hearings

- 7** 95% of the 18 non-compliance hearings were reviewed during this period.

Feedback

PSA Feedback

- 8** Between 1 September and 31 March, we were notified that 12 cases had been considered by the PSA, and 2 appeals have been lodged.

GMC Feedback

- 9** During the same period the GMC's Decision Review Group sent the QAG no letters and no appeals have been lodged by them during this time.

Agenda item:	8
Report title:	Composition of Tribunals
Report by:	Tamarind Ashcroft , Head of Tribunal Development tamarind.ashcroft@mpts-uk.org , 0161 240 7291
Considered by:	MPTS Committee
Action:	For decision

Executive summary

A paper to confirm the approach used in the empanelment of MPTS Tribunals.

Recommendation

- a** That the composition of tribunals should be in accordance with The GMC (Constitution of Panels, Tribunals and Investigation Committee) Rules Order of Council 2015 and then subject to proportionate distribution of sitting opportunity across the pool of Tribunal Members.

Background

- 1 The GMC (Constitution of Panels, Tribunals and Investigation Committee) Rules Order of Council 2015 Schedule, section 5(3) sets out that:

Membership of a Tribunal must—

(a) comprise medical and lay members selected by the MPTS in accordance with paragraphs (4) and (5) from a list maintained under rule 4(1)(a), and

(b) include at least one person whose name is included in the list maintained by the MPTS under rule 6(4).

- 2 This in effect means that the empanelment team must ensure there is at least one medical member and at least one lay tribunal member on each tribunal and that additionally one of the three tribunal members must be a chair.
- 3 While the empanelment team is bound by legislation to follow the above arrangements when selecting a tribunal, additional discretion regarding selection can potentially be applied.
- 4 The MPTS Committee has not formally considered the approach to empanelment since its creation and we now consider it appropriate for a formal direction to be given by the Committee.

Current approach

- 5 As at 1 April 2019, there are 291 tribunal members. 49 tribunal members sit on the interim orders tribunals and the remainder on medical practitioners tribunals.
- 6 The split of medical/ lay tribunal members is roughly equal, but we ask for 20 days availability to be offered each year by medical tribunal members and 35 days by lay tribunal members. This reflects the fact that many medical tribunal members are in active clinical practice and will have less availability.
- 7 The empanelment team seek to distribute sitting dates on an equitable basis, ensuring that tribunal members who have sat for fewer days in a calendar year will be offered the next available sitting in preference to a tribunal member who has sat for more days.

- 8 Case law indicates that the composition does not need to include a specialist medical member^{*}, or that similar professional connections[†] or differing religions[‡] need to be taken into account. It is well established that those appointed to carry out decision making roles should be able to reach decisions fairly and without bias and only where specific concerns around bias arise will this impact on the fairness of proceedings.
- 9 To ensure we have a diverse pool of tribunal members, we carry out positive action during appointments campaign by encouraging applications from a wide range of backgrounds, targeting advertising and utilising networks with diverse groups. This has assisted us to improve diversity with reference to protected characteristics. The diversity of individual tribunals is constantly monitored and reported to this Committee.

Proposed approach

- 10 To ensure clarity in the empanelment process, we propose that the Committee approve the following approach:

Membership of tribunals should be in accordance with The GMC (Constitution of Panels, Tribunals and Investigation Committee) Rules Order of Council 2015 and;

Thereafter membership of tribunals should be prioritised based on actual sittings within the calendar year.

- 11 This approach will ensure that all tribunal members are provided with an equal opportunity to partake in decision making; it reflects that all tribunal members are trained to a consistent standard and no further adjustment to the composition is required. Further, it mirrors the approach in case law that bias does not arise through no specific selection criteria being required.
- 12 We shall continue to monitor the diversity of our pool of tribunal members and continue our work to increase that diversity.

^{*}Dzikowski v GMC [2006] EWHC 2468 (Admin), Martin v GMC [2011] EWHC 3204 (Admin)

[†]Dr Kimmance v GMC [2016] EWHC 1808 (Admin)

[‡]Helow v Secretary of State for the Home Department [2008]

Agenda item:	9
Report title:	Adjournments Quarterly Update
Report by:	Samantha Bedford , Head of Case Management samantha.bedford@mpts-uk.org , 0161 240 7112
Considered by:	MPTS Committee
Action:	To note

Executive summary

This report:

- Summarises the key issues arising from hearings adjourning in Quarter 1 2019;
- Identifies actions to be taken forward by the MPTS Senior Management Team.

Adjournments Quarterly Review: Q1 2019

Scope of Review

- 1 Each month the Head of Case Management, Head of Operations, Case Manager and Legal Adviser meet to identify themes and issues arising from adjourned MPT hearings, with reference to internal resources, including hearing commentary and case management documents.
- 2 The findings and recommendations are discussed at the MPTS Senior Management Team (SMT) meeting and actions are assigned to be taken forward.

Overview of MPT Hearings Reviewed

- 3 A total of 36 MPT hearings (across all MPT hearing types) concluded earlier than scheduled in Q1 2019. An analysis of new MPT hearings only during the same period shows that 67.5% hearings concluded either early or on time.
- 4 A total of 41* MPT hearings adjourned in Q1 2019. The table below indicates the number of adjournments across the MPT hearing types.

Hearing Type	Unplanned Adjournment	Planned Adjournment [†]
6-Month Cases	18	6
9-Month Cases	5	3
Direct Listing	3	0
Review Hearings	7	0
Remittal Hearings	0	0
Non-Compliance Hearings	2	0
Restoration Hearings	0	0
New & Review Hearings	0	0

* Three hearings appear twice in the table.

[†] Hearings which are scheduled to adjourn and reconvene, either through a planned split listing or due to reconvene dates.

- 5 References “Q1/XX” are used below as identifiers for specific hearings. Anonymised identifiers have been used for the purposes of this paper as they may relate to matters which have not yet concluded.

Themes emerging from adjourned hearings

- 6 Often adjournments can arise for reasons that are unavoidable and could not reasonably have been foreseen. For example, where a party or Tribunal member is unwell, or if a Tribunal direct the practitioner to undergo an assessment of their health, language or performance.
- 7 The following themes, which we consider to be potentially avoidable and/or foreseeable, arise from our analysis of the adjourned MPT hearings:
- a **Tribunal deliberations and timekeeping** – There were instances where Tribunals took time to complete their deliberations which appeared potentially disproportionate to the issue(s) under consideration, or where hearing time could have been managed more effectively (Q1/03, Q1/06, Q1/10, Q1/12, Q1/18, Q1/19, Q1/25, Q1/28, Q1/29, Q1/35).
 - b **Inaccurate hearing length estimates** – There were instances of hearing length estimates provided by the parties proving to be insufficient, either due to the volume of evidence, number of allegations in dispute and/or preliminary issues (Q1/14, Q1/17, Q1/28, Q1/29, Q1/31, Q1/39).
 - c **Delays potentially caused by GMC case preparation** – There were instances where avoidable delays appear to have been caused by issues relating to: failure to make a pre-hearing joinder application (Q1/09); requiring disproportionate time to take instructions or prepare submissions (Q1/04, Q1/07, Q1/19).
 - d **Delays potentially caused by failure to advise MPTS of preliminary legal arguments** – There were instances where parties did not advise MPTS of preliminary issues in advance, which meant the opportunity to proactively consider the impact on the hearing timetable was lost (Q1/29, Q1/37, Q1/43).

Identified action points

8 The review identified a number of actions from the analysis of Q1 adjournments, as outlined below.

a Actions relating to Tribunal training, circulars or other guidance

- i** Consider preparing a Tribunal circular summarising the work of the Adjournment Monthly Review, to share the key themes emerging and actions taken.
- ii** Consider feedback/training for Tribunals on the Rules regarding oral evidence in chief.

b Actions requiring liaison with stakeholders

- i** Feedback to GMC Legal about case presentation where appropriate, including pre-hearing applications, preliminary legal issues and avoidable delays.
- ii** Continue dialogue with MPTS User Group regarding accuracy of hearing length estimates, compliance with case management directions and preliminary legal arguments.

c Actions for consideration in the case management process

- i** Incorporate issues regarding inaccurate hearing length estimates into the case management process changes planned for July 2019, in order to improve our allocation of listing length to hearings. This work is ongoing and a separate update will be presented to the MPTS Committee in September 2019.
- ii** In all cases where a preliminary hearing is arranged to consider a preliminary legal issue, consideration to be given to ensuring that a Legally Qualified Chair is empanelled where possible.
- iii** Consider taking steps to encourage parties to utilise a statement of case or opening note where possible, to assist with pre-reading and to reduce the time required for opening submissions.

9 Any actions relating to identifiable individuals have been removed from the list above in order to ensure confidentiality. Such actions may include recommendations for the Tribunal Development and Operations teams to consider when undertaking observations or reviewing Tribunal member feedback.

Update on other actions taken

- 10** Feedback was provided to the MPTS User Group on 19/03/2019 regarding themes and actions from adjournments arising from the second half of 2019. The feedback generated positive discussion with parties regarding the actions being taken by the MPTS, and how this work can be supported constructively by parties.
- 11** In this quarter the SMT also reviewed and approved terms of reference for an Adjournments Detailed Review (ADR) process. In summary:
 - a** This process will be considered for a small number of exceptional cases which, for example, have required a significant number of additional hearing days and/or have unexpectedly adjourned on a significant number of occasions.
 - b** The intended purpose of the ADR process is to reflect on the hearing experience and identify learning points for MPTS teams and MPTS users, so that adjournments can be avoided wherever reasonably possible.
 - c** The ADR process will be led by MPTS Operations staff members, and will focus on reviewing a range of sources of information available to the MPTS. This may include hearing determinations, case management records and existing sources of feedback.
- 12** Information about ADRs, including a summary of any recommendations and learning points, will be noted in future quarterly updates for the Committee's information.

Agenda item:	10
Report title:	MPTS complaints and compliments report
Report by:	Bernadette Beisty , Governance Officer MPTS bernadette.beisty@mpts-uk.org , 0161 240 7296
Considered by:	MPTS Committee
Action:	To note

Executive summary

The report provides a review of MPTS complaints received from January to December 2018.

It also reviews the compliments received between January 2016 and December 2018.

The aim of the review is to identify and action any learning from complaints and compliments.

Recommendations

- a** Note the report.
- b** Consider whether the follow up actions identified to address the concerns raised from complaints or compliments are sufficient.

Introduction

- 1 The MPTS receives a small number of complaints each year. For the period January to December 2018 the MPTS received 13 complaints.
- 2 Due to the small numbers of complaints received the report will focus on case studies and qualitative data to help identify any learning points.

Context

- 3 Total number of hearings for 2018 = 1241
- 4 247 new MPT hearings and 388 new IOTs concluded in 2018.
- 5 The following hearings also concluded in 2018:
 - a Restoration: 15
 - b MPT Review: 151
 - c Non Compliance: 10
 - d Non Compliance Review: 13
 - e IOT Review: 417

Categories identified

- 6 The following categories have been identified from complaints during January to December 2018:

Category	Number of complaints
Documentation	2
Info sharing	3
Processes	6
Decisions	4

- 7 Two complaints have been recorded in more than one category.

Case Studies

Case study 1. Documentation category

- 8** The doctor complained that the GMC had not provided the documentation that they had asked for.
- 9** Response to complainant – We apologised for a delay in responding to the complainant. The GMC sent the complainant the relevant documents.

Case study 2. Info sharing category

- 10** The complainant was concerned about the press coverage of their hearing and had concerns that the Communications team shared their details with the press; details which they claimed should have remained confidential. The Communications team spoke to the complainant explaining that the information shared with the press was in the public domain however the complainant was not satisfied and submitted a complaints form.
- 11** Response to complainant – The complainant was given a full explanation of the process of information sharing.

Case study 3. Processes category

- 12** The complainant lodged a complaint about their experience as a GMC witness during an MPT. In her email they explained how they had found the process of questioning distressing and how family members were also distressed by the process.
- 13** Response to complainant – We provided a full response to all of the concerns raised by the complainant. We also explained to the complainant that we would be acting on their concerns. We gave the complainant a summary of what the MPTS is planning to improve the witness experience.

Case study 4. Decisions category

- 14** The complainant was unhappy with the tribunal's decision to suspend the doctor for 6 months.
- 15** Response to complainant - A full explanation was given of the tribunal process highlighting the right of appeal of the GMC and the PSA and also explaining that the suspension would be subject to review.

KPI for complaints

- 16** The KPI for complaints is to respond to the complainant within 10 working days.
- 17** All complaints from January to December 2018 met the KPI. However not all complaints were added to Siebel during the 10 working day timescale due to system access problems.

What we do well

- 18** A review of the compliments from January 2016 to December 2018. Of the 19 compliments received 15 were for the Doctor Contact Service.

What lessons can be learnt

- 19** Looking at the comments from doctors accessing the Doctor Contact Service what we do well is listen and respond to their concerns.
- 20** We acknowledge how difficult and stressful attending IOTs and MPTs can be. This helps the doctors feel supported and able to cope better with the hearings.
- 21** We are open and friendly.
- 22** We provide support by giving the right information about proceedings. By providing support we reduce the stress that doctors feel going through the IOT and tribunal process.

Business improvements identified from complaints

- 23** There was one business improvement identified during the period January to December 2018. This related to the witness experience.
- 24** The MPTS and the GMC are committed to working jointly to improve the witness journey.
- 25** The new witness area appears to be working well.
- 26** Witnesses requiring a private space for conversations with reps are using the private witness rooms on each floor, or when they are occupied by vulnerable witnesses, MPTS reception staff are able to advise of other free rooms.
- 27** MPTS tribunal clerks continue to email the GMC Legal team as witnesses are approaching the end of their evidence so they can be met.

28 GMC have launched a new telephone support service provided by Victim Support, which replaces the GMC's current arrangements.

Conclusion

29 There are no themes emerging from complaints for 2018. The small numbers involved affect the ability to identify any themes from complaints.

30 Follow up actions from the complaints include the ongoing plans to improve the witness experience.

31 There are lessons that can be shared across the MPTS from compliments. These include: listening to our doctors concerns, being open and welcoming, and talking through processes and procedures so that doctors are prepared for hearings.

Agenda item:	11
Report title:	Review of the MPTS Committee’s work programme for 2019
Report by:	Bernadette Beisty , Governance Officer MPTS bernadette.beisty@mpts-uk.org, 0161 240 7296
Considered by:	MPTS Committee
Action:	To note

Executive summary

The MPTS Committee reviews its work programme throughout the year to confirm that the business of the Committee is relevant and addresses the duties and activities as detailed in the Committee’s Statement of Purpose.

Recommendation

- a** The MPTS Committee is asked to note the work programme for 2019 and suggest any amendments or additions.
- b** The MPTS Committee is asked to agree moving the Annual Review of Case Management to the meeting in September 2019.

Background

- 1 Please find below the revised MPTS Committee work programme for 2019. It details the agenda items for review at each meeting during 2019.
- 2 Agenda items have been matched to the MPTS Committee's duties and activities (see Table 1) to provide assurance that the Committee is compliant with its Statement of Purpose and is reviewing all aspects of its key responsibilities.
- 3 Minor changes to the work programme were agreed at the MPTS Committee meeting in February 2019. The Committee is asked to suggest amendments or additions to the work programme.
- 4 The Committee is asked to agree moving the Annual Review of Case Management to the meeting in September 2019.

Date	Meeting
Wednesday 6 February 2019	MPTS Committee
<ul style="list-style-type: none"> ■ Chair's report (oral) ■ Executive Manager's report including the MPTS risk register and performance data (a-k) ■ Internal audit review of the MPTS Committee's governance processes and Siebel segregation between FtP and MPTS (a) ■ Update on appeals (a,f) ■ Adjournments quarterly update (f) ■ Tribunal members training update (b,c) ■ Review of the delivery of the 2018 MPTS business plan and confirmation of the MPTS business plan for 2019 (n) ■ Review of the effectiveness of the MPTS Committee 2018 (a) ■ Update on the MPTS Committee's work programme for 2019 	

Date	Meeting
Wednesday 8 May 2019	MPTS Committee
<ul style="list-style-type: none"> ■ Chair's report (oral) ■ Executive Manager's report including the MPTS risk register and performance data (a-k) ■ Report of the MPTS Committee to GMC Council (a-l) ■ MPTS annual report to Parliament (l) ■ Update from the Quality Assurance Group (f,g) ■ Annual review of case management (g) ■ Adjournments quarterly update (f) ■ Annual review of complaints (k) ■ Review of MPTS Committee's work programme for 2019 (a) 	

Date	Meeting
Tuesday 10 September 2019	MPTS Committee
<ul style="list-style-type: none"> ■ Chair's report (oral) ■ Executive Manager's report including the MPTS risk register and performance data (a-k) ■ Tribunal Members' resourcing updates (a) ■ Annual review of the MPTS vision (m) ■ Update on progress in delivering the MPTS business plan for 2019 (n) ■ Adjournments quarterly update (f) 	

Date	Meeting
Tuesday 19 November 2019	MPTS Committee
<ul style="list-style-type: none"> ■ Chair’s report (oral) ■ Executive Manager’s report including the MPTS risk register and performance data (a-k) ■ Report of the MPTS Committee to GMC Council (a-l) ■ Review of the MPTS Committee’s work programme for 2020 (a) ■ Update from the Quality Assurance Group (f,g) ■ Adjournments quarterly update (f) ■ Proposed MPTS business plan for 2020 	

Table 1. MPTS Committee’s duties and activities for 2019 (as set out in the Committee’s statement of purpose and additional items from the MPTS vision and MPTS business plan)

MPTS Committee’s duties and activities	Assurance Route
c The delivery of a hearings service that demonstrates efficiency and effectiveness.	Executive Manager’s report and updates from the Quality Assurance Group.
d The appointment of Medical Practitioners and Interim Orders Tribunal members (including chairs) and that appropriate systems for the appointment, training, assessment and, where required, the removal of tribunal members, are in place.	Papers on recruitment campaigns, training and appraisal as required. Tribunal members training update scheduled for February 2019.
e The appointment of legal assessors and case managers and that appropriate	Papers on recruitment campaigns,

systems for the appointment, training, assessment and, where required, the removal of case managers in place.	training and appraisal as required. Tribunal members training update scheduled for February 2019.
f Maintenance of a system for declaration and registration and publication of Committee members' private interests.	Declaration of interests of Committee members' private interests available on the MPTS website and updated as required. Declaration of interests is an agenda item for every meeting.
g Consideration of matters by a Medical Practitioners Tribunal / Interim Orders Tribunals.	Executive Manager's report.
h High quality standards of decision making by Medical Practitioners Tribunal / Interim Orders Tribunals are maintained.	Included in the Quality Assurance Group updates to the Committee.
i High quality standards of case management by case managers are maintained.	Annual review of case management scheduled for May's MPTS Committee meeting.
j The setting and maintenance of guidance for the MPTS tribunals, case managers and legal assessors, as required.	Guidance requiring consideration by the MPTS Committee to be added to the work programme as required.
k That the MPTS applies the equality and diversity strategies and policies of the GMC.	Integral part of Committee's consideration and decision-making. Updates on equality and diversity part of the Executive Manager's report.
l Notification of Medical Practitioners Tribunal and Interim Orders Tribunal decisions as required by the Medical Act.	Executive Managers report.
m Effective liaison with all users of the	Included in the Executive Manager's report and papers on engagement

hearings service provided by the MPTS	activities as required.
n An annual report which meets the requirement of Section 52B of the Medical Act 1983 as amended.	Annual report to Parliament scheduled on the work programme for May 2019.
<ul style="list-style-type: none"> o From the MPTS vision: <ul style="list-style-type: none"> ■ Make high quality well-reasoned, independent decisions to protect the public ■ Runs hearings efficiently and effectively, using resources appropriately ■ Treats all tribunal service users with respect and fairness ■ Has a distinct voice, clearly articulating our role 	Annual report on the MPTS vision scheduled on the work programme for September 2019.
p Priorities from the MPTS business plan 2019	Confirmation of the MPTS business plan scheduled for February 2018 and update on progress for September 2019.