

# MPTS Committee

Agenda and papers

Meeting:

15 November 2023





## MPTS Committee meeting

**Wednesday 15 November 2023**  
**10:00-13:00, Room 4C**  
**St James's Buildings, Oxford Road**  
**M1 6FQ**

### Agenda

- 1 Welcome and apologies for absence
- 2 Declaration of interests
- 3 Minutes of the previous meeting held Wednesday 13 September 2023
- 4 Chair's report (oral)
- 5 Executive Manager's report including performance data and MPTS risk register
- Break for tea / coffee**
- 6 Report of the MPTS Committee to GMC Council
- 7 Adjournments quarterly update
- 8 Review of the MPTS Committee's work programme for 2024
- 9 Annual review of the MPTS Committee effectiveness
- 10 Any other business
- 11 Date and time of next meeting: Wednesday 14 February 2023, 10:00 – 13:00

## Contents

Agenda	02
3 – Minutes of the previous meeting held on 13 September 2023	04
Actions sheet as of 13 September 2023	08
5 – Executive Manager’s report	09
Annex A – Away Day People Survey 2023	17
Annex B – What to do next	28
Annex C – Opportunities and Threats Register	29
6 – Report of the MPTS Committee to GMC Council (Dec 2023)	32
Annex A – Hearing outcomes up to Q3 2023	36
7 – Adjournments quarterly update	38
8 – Review of MPTS Committee’s Work Programme for 2024	43
9 – Annual review of the MPTS Committee’s effectiveness	48



Agenda item:	<b>03</b>
Report title:	<b>Minutes of the meeting on 13 September 2023</b>
Considered by:	<b>MPTS Committee</b>
Action:	<b>To approve</b>

### **Members present**

Deborah Taylor, Chair  
Gill Edelman (virtual)  
Jacky Hayden  
Joy Hamilton  
Simon Mackenzie

### **Others present**

Gavin Brown, Executive Manager  
Ian Sexton, Corporate Governance Manager  
Niall Kelly, Corporate Governance Officer and acting Committee Secretary

Samantha Bedford, Head of Case Management (Items 6, 7)  
Tamarind Ashcroft, Head of Tribunal Development (Item 8)  
Colin Barker, Head of MPTS Communications and Corporate Affairs (Item 9)  
Angela Breingan, GMC Policy Manager (item 10)

## **Welcome and apologies for absence (agenda item 1)**

- 1 The Chair welcomed members of the Committee to the meeting.
- 2 There were no apologies for absence.

## **Declaration of interests (agenda item 2)**

- 3 No interests were declared.

## **Minutes of the previous meeting held on 11 May 2023 (agenda item 3)**

- 4 The Committee approved the minutes (with the correction of a typological error) from the previous meeting on 11 May 2023 and reviewed the action log.

## **Matters arising**

- 5 The Committee previously discussed undertaking a tribunal member survey. MPTS to suggest an appropriate time to run this.

## **Chair's report (agenda item 4)**

- 6 The Chair outlined changes to the case management process, including the introduction of listing questionnaires, application forms and certificates of readiness, from the end of October.
- 7 The Chair explained that a pilot will run to hold pre-hearing meetings at the start of the case management process in some cases. There will also be more proactive follow up on the timeliness and quality of hearing bundles.
- 8 Guidance will be updated, and all forms will be added to the MPTS website.
- 9 The Chair highlighted changes to Good Medical Practice, such as the inclusion of the 'duty of kindness' and the 'bystander duty' and how these might impact the work of the MPTS. The MPTS is looking at how it can assist tribunals in dealing with cases under the new guidance.
- 10 The Chair discussed the annual training of tribunal members which would be aimed at reducing adjournments. The Chair highlighted that next week there will be a visit to the MPTS from the British Medical Association.
- 11 The Chair spoke about beginning work on sanctions 'tables' and the importance of consulting widely on this.

- 12** The Committee discussed the potential for sourcing further support from outside the MPTS to assist those who are self-representing.

### **Executive Manager’s report (agenda item 5)**

- 13** The report provided an update on the operational workings of the MPTS.
- 14** It was highlighted in the report that the Head of Operations, Scott Geddes has completed his last working day prior to his retirement later in the month. Further information was provided to the Committee on the operational changes that have now been implemented.
- 15** The Committee discussed the MPTS’s key performance indicators concerning listing and were satisfied that they were still fit for purpose.
- 16** The volume of future referrals from the GMC was discussed along with its consequent impact on MPTS budget planning.
- 17** The Committee suggested reviewing the Opportunities and Threats register at the next Committee meeting.

### **Annual review of Case Management (agenda item 6)**

Samantha Bedford presented this report.

- 18** It was raised why quarter 1 is used as the sample data for each year in the review. It was determined that quarter 1 provides consistent data, largely unaffected by public holidays and the availability of decision-makers.
- 19** The Committee queried how tribunals might expect to enforce the certificates of readiness. It was explained that there is to be a gradual lead-in period for tribunal members with communication on expectations for use of the certificates.
- 20** The Committee discussed tribunal members sitting at the hearing centre and virtually and the guidance that was in place.

### **Adjournments quarterly update (agenda item 7)**

Samantha Bedford presented the adjournments quarterly update.

- 21** Two adjournments detailed reviews, ADR5 & ADR6, were shared with the Committee. It was explained that two further ADRs are currently in process including shorter cases which went part heard.

## **Tribunal Members resourcing update (agenda item 8)**

Tamarind Ashcroft presented the resourcing update to the Committee.

- 22** The Committee noted that members of the GMC’s Strategic ED&I forum had expressed an interest in future recruitment campaigns for tribunal members.
- 23** The Committee discussed the lack of availability of medical tribunal members, particularly for longer hearings.
- 24** The Committee discussed the potential of allocating tribunal members across both the IOT and MPT pools to meet the demand. It was noted that this should be handled carefully as there is a potential conflict of interest involved.
- 25** The Committee also considered whether there was a useful way of targeting professionals outside of the NHS or those who do not currently operate within a clinical capacity.
- 26** Committee members agreed to provide useful contacts in relation to the availability and future recruitment of medical tribunal members.

## **Annual review of the MPTS Vision (agenda item 9)**

- 27** The Committee decided to maintain the vision.

## **Good Medical Practice (agenda item 10)**

- 28** Angela Breingan, Policy Manager delivered a presentation to the Committee on the changes to GMP.
- 29** The Committee noted the changes and agreed to follow up separately if they had any questions.

## **Any other business (agenda item 11)**

- 30** No other business raised.

## **Date and time of next meeting**

- 31** Date and time of next meeting: 15 November 2023, 10:00 – 13:00. Meeting is to be held in person at St James’s Building followed by an afternoon seminar.

Confirmed:

## Proposed actions from the MPTS Committee Meeting

Date of meeting	Agenda item	Ref	Action	Person responsible	Status	Update	Date last updated
11-May-23	7		Consider, where timekeeping is identified as a contributing factor to an unplanned adjournment, examining the time spent at each stage of a tribunal.	S Bedford	Completed	<p>We do not currently have a method to reliably ascertain how in camera time is split between tribunal deliberations and drafting/redrafting. While we could ask clerks to reflect this in the transcripts log, it is unlikely that this would be a consistent and accurate measure – partly because the split can sometimes be unclear and partly because we anticipate some of the recording may end up being retrospective as the clerk may need to prioritise work that directly supports the tribunal reaching a decision rather than keeping a contemporaneous record.</p> <p>There are two ways we propose to address this: (1) promoting to tribunals and clerks to be open in their feedback about where deliberations or drafting have contributed to timekeeping issues. Clerks are being proactive in identifying in their feedback where they feel time taken to make amendments may be disproportionate; (2) our review of adjournments data, which will be presented to the Committee in the November seminar, looks at all tribunal members and clerks to identify where there is disproportionate involvement in hearings which go part-heard. This information will be shared with line managers and has been shared with Tribunal Development to address through feedback and training.</p>	06/11/2023
11-May-23	7		Hold a Committee member seminar on adjournments.	G Brown	Completed	Ongoing currently scheduled to take place on the afternoon of the next Committee meeting in November.	23/08/2023
13-Sep-23	-		Create a tribunal member survey	G Brown	Ongoing		13/09/2023
13-Sep-23	4		Share dates of annual tribunal member training with Committee members and send invite to sessions if desired.	G Brown	Completed	Shared via email, Committee members then attended sessions	03/11/2023
13-Sep-23	5		Review the Opportunities and Threats Register at November's Committee meeting	G Brown N Kelly	Completed	To be completed at November meeting	13/09/2023
13-Sep-23	8		Committee members to provide useful contacts in relation to the availability and future recruitment of medical tribunal members.	Committee	Ongoing		03/11/2023





Agenda item:	<b>05</b>
Report title:	<b>Executive Manager’s report</b>
Report by:	<b>Gavin Brown, Executive Manager,</b> <a href="mailto:gavin.brown@mpts-uk.org">gavin.brown@mpts-uk.org</a> , <b>0161 240 8126</b>
Considered by:	<b>MPTS Committee</b>
Action:	<b>To consider</b>

### **Executive summary**

- ▶ This report provides the Committee with an update on the work of the MPTS.
- ▶ It includes an operational update, learning points from appeals, the findings of the annual people survey, as well as the MPTS opportunities and threats register and, for information, the recent all-staff away day agenda.

### **Recommendation**

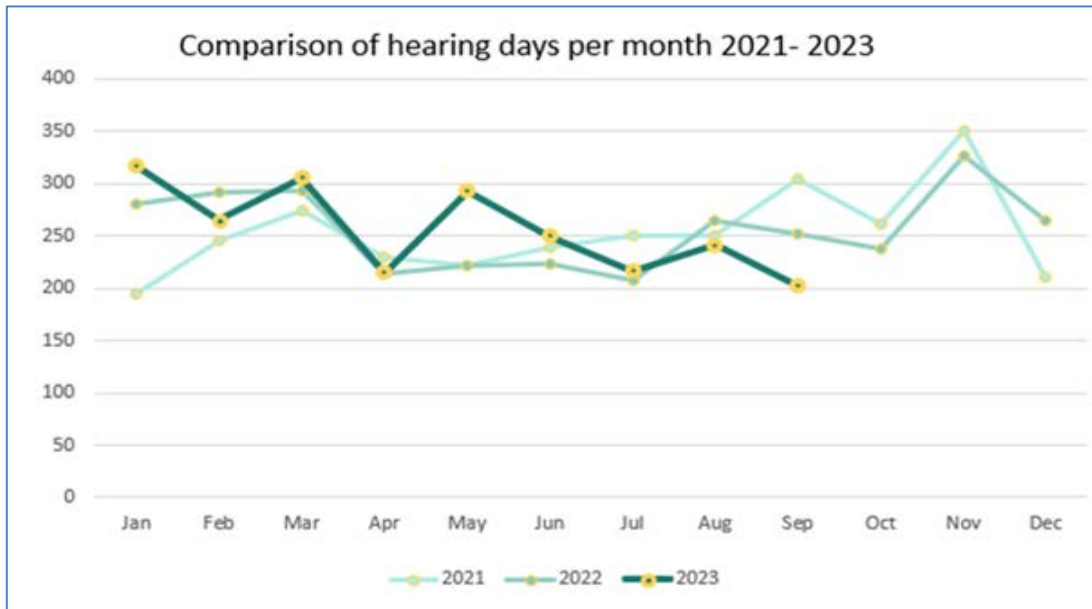
- ▶ The Committee is asked to consider the report and its annexes.

## Operational update

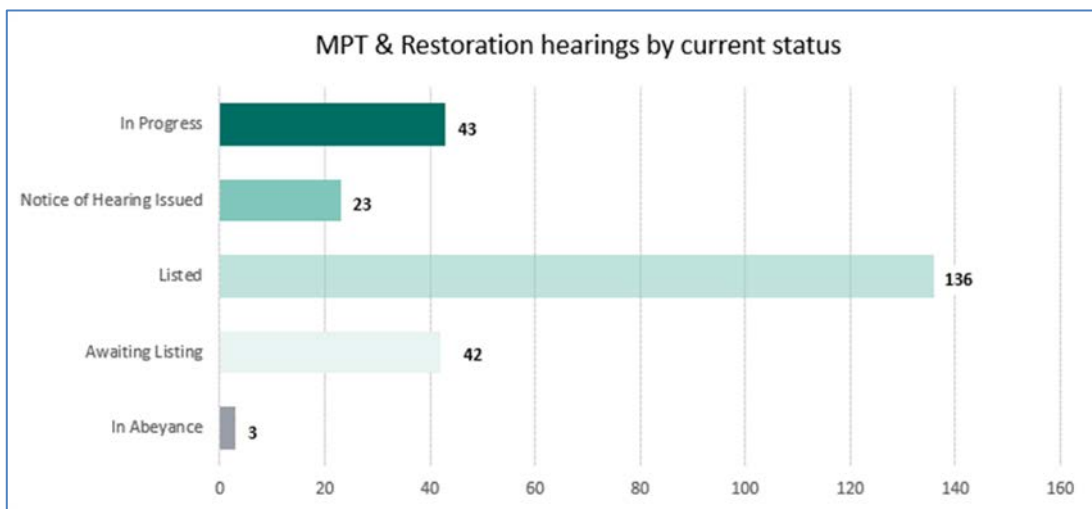
- 1 Since the last Committee meeting on 13 September 2023, we have continued to run a mix of in person, hybrid (where parties attend in person or virtually) and virtual hearings.
- 2 In line with our recovery from the pandemic, the 2023 MPTS budget was based on a staggered reduction in the number of hearing days.
- 3 Although we continue to see a fluctuation in the number of hearing days per month, on average in 2023 we have held 256 hearing days each month against our budget of 247.

Month	Budget	Actual
January	265	317
February	265	265
March	265	306
April	265	215
May	254	293
June	243	250
July	233	217
August	222	241
September	211	202
October	211	-
November	211	-
December	155	-

- 4 We over-list to take account of the fact that a hearing may not take place as scheduled.
- 5 The main reasons hearings do not take place as scheduled are that circumstances may cause a Case Examiner to decide that the GMC can appropriately conclude its investigation by other means and the hearing is cancelled. An MPTS Case Manager could grant a postponement or further adjournment (on application by parties or the MPTS). There are also instances where a hearing takes place as scheduled but closes before the scheduled end date because the tribunal either grants an adjournment (on application by one or more parties) or can reach a decision earlier than planned (either on the initial or reconvened sitting).
- 6 The chart below shows the number of hearing days we have held compared to previous years.



**7** At the end of September 2023, the MPTS’s total live hearing workload was 247 – the status of these hearings is shown in the chart below.



- 8** The MPTS are currently offering a listing date between 7 and 9 months of a GMC referral depending on the length of hearing required.
- 9** We are forecast to spend £10,047,190 this year reflecting that, as part of our recovery plan, we are on track to hold around 3,000 hearing days by the end of December.
- 10** We will be submitting, for approval to GMC Council, a MPTS budget for 2024 of £8,895,632. This represents a £1,151,557 reduction against our forecast spend in 2023.
- 11** One of the most important aspects of our budget calculations is how many hearing days we anticipate holding.

- 12** In our planning, we have considered 9 scenarios utilising two parameters - the number of referrals we receive per month and the average length of our hearings.
- 13** The high, medium, and low for each parameter are set out in the table below:

	Referrals per month	Average hearing length
High	25	10.9
Medium	22.5	9.8
Low	20	9.1

- 14** The referrals per month were provided by Fitness to Practise and are broadly in line with the number they referred to the MPTS in the past 12 months.
- 15** With regards to average hearing length, high is based on the average length of tribunals concluded from January 2023 to August 2023, medium is based on the average length of tribunals concluded from September 2021 to August 2023, and low is based on the lowest 8-month period in the last 24 months.
- 16** These parameters have then been utilised to construct 9 scenarios.

Scenario	Referrals per month	Average hearing length	Annual hearing days	Annual fees and expenses
1	High	High	2,936	£4,495,182
2	High	Medium	2,701	£4,129,096
3	High	Low	2,548	£3,893,073
4	Medium	High	2,665	£4,061,967
<b>5</b>	<b>Medium</b>	<b>Medium</b>	<b>2,454</b>	<b>£3,732,093</b>
6	Medium	Low	2,314	£3,513,935
7	Low	High	2,384	£3,612,918
8	Low	Medium	2,196	£3,320,285
9	Low	Low	2,079	£3,137,625

- 17** For budget planning purposes we have utilised scenario 5 (medium – medium). It is interesting to note the impact a small change in either the number of referrals the MPTS receives, or in average hearing length can have on our annual hearing days and therefore our annual fees and expenses.
- 18** Among other key assumptions is that the conversion rate of referral to tribunal is 80%. This accounts for cancellations, voluntary erasure, and joinders (where a doctor has multiple referrals or multiple doctors are referred but are joined to a single tribunal hearing).
- 19** It is also assumed that, in line with 2023 actuals, 46% of MPT hearings will be held at our hearing centre in Manchester with 54% held virtually and that all IOTs will continue to be held virtually.

- 20** £815,000 of the £1,151,557 reduction in our proposed budget, from our spend in 2023, is planning to hold 2,454 rather than 3,000 hearing days.
- 21** £317,000 is due to reduced staffing costs, this reflects the full year effect of removing recovery positions and returning to pre pandemic approved headcount.
- 22** As there will be no tribunal member induction in 2024 there is a further £67,000 reduction in expenditure compared to 2023.
- 23** In respect of increased expenditure, as we previously discussed with the Committee, in 2024 tribunal member annual training will be held exclusively face to face and this, combined with the increase in tribunal member numbers, will cost an additional £35,000.
- 24** Finally, we have allowed a very limited provision for costs such as seeking approval (via the Foreign & Commonwealth Office) for individual tribunals to receive evidence from a witness who is / will be abroad.

## Appeals

- 25** Since the last update to the MPTS Committee on 13 September 2023, additional learning points arising from judgments given in appeals / challenges to tribunal decisions from 1 July 2023 to 30 September 2023, include the following:
- a** In cases involving sexual misconduct with a patient, the tribunal should explore the issue of vulnerability (or the practitioner’s *perception* of vulnerability) [Professional Standards Authority for Health and Social Care v General Medical Council \(Onyekpe\) \[\[2023\] EWHC 2391 \(Admin\)\]](#):
- ▶ where the GMC **does not** allege that the patient was vulnerable, the tribunal should reach its own fully considered conclusion (as to vulnerability) rather than accepting the GMC’s concession;
  - ▶ the tribunal should look at whether the evidence shows that the patient was vulnerable, and/or whether the practitioner perceived the patient to be vulnerable; the tribunal should make a finding on vulnerability and explain it.
- b** A reminder that a tribunal can make amendments to the allegations at the hearing, bearing in mind the primacy of the public interest, if the amendment can be made without injustice [Professional Standards Authority for Health and Social Care v General Medical Council \(Onyekpe\) \[\[2023\] EWHC 2391 \(Admin\)\]](#)

- c** Where a practitioner contends that the patient’s credibility and reliability is affected by a mental health condition, the tribunal should not speculate as to the effect of that condition on the matters alleged. The practitioner ought to adduce evidence to support their submission that the condition should be treated as undermining the patient’s evidence. [Metastasio v General Medical Council \[2023\] EWHC 1918 \(Admin\)](#)
- d** [Shabir v General Medical Council \[2023\] EWHC 1772 \(Admin\)](#) reiterated some key principles which tribunals should take into account when considering inherent probability:
- ▶ the fact that a practitioner would be placing their career at risk by behaving in a particular way does not mean that they did not in fact do so (*Arunkalaivanan v General Medical Council [2014] EWHC 873 (Admin)*);
  - ▶ the tribunal has to weigh the inherent improbability of the practitioner acting as alleged, against the relative improbability of the witness/victim fabricating the allegations and putting themselves through the ordeal involved in doing so (*Byrne v General Medical Council [2021] EWHC 2237 (Admin)*);
  - ▶ the tribunal is not required to make a separate 'stand-alone' finding on inherent probability. The tribunal is required to consider the evidence, to do so critically, to do so with the burden and standard of proof in mind and to consider the strengths and weaknesses of the evidence. It will be sufficient for a tribunal to record its detailed assessment of the credibility and reliability of the evidence on which the GMC relied, principally that of the victim, it does not necessarily have to write the words 'cogent' or 'cogency'.
- e** It is unlikely that a witness can be found to be consistent, reliable and credible where they abandon all but one of their allegations, including the most serious (as in the case of *Casey v General Medical Council [2011] NIQB 95*). However, in cases involving other types of inconsistency (e.g., in the witness’s account, or raising the issue of sexual motivation only after the practitioner denied matters (as in *Shabir v General Medical Council [2023] EWHC 1772 (Admin)*), a tribunal can accept the witness’s overall account of events. A tribunal is entitled to conclude that a witness was largely consistent on the key elements of the allegations and should explain its reasoning on this issue. [Shabir v General Medical Council \[2023\] EWHC 1772 \(Admin\)](#)
- f** A reiteration that when giving decisions on matters of fact, the tribunal’s reasons should be given, if in the circumstances of the individual case, fairness requires it (*Gupta v GMC [2002] 1 WLR 1691*) and in exceptional cases, a practitioner is entitled to understand the basis on which their case

has been rejected (*Southall v General Medical Council [2010] 2 FLR 1550*)  
[Shabir v General Medical Council \[2023\] EWHC 1772 \(Admin\)](#)

- g** In cases where a practitioner pursues a sexual relationship with a vulnerable former patient (abuse of professional position), erasure may be appropriate even where:
- ▶ the practitioner did not use their professional status to pursue the relationship;
  - ▶ there was no element of grooming behaviour.

[Metastasio v General Medical council \[2023\] EWHC 1918 \(Admin\)](#)

- h** [Cook v General Medical Council \[2023\] EWHC 1906 \(Admin\)](#) set out some useful reminders in relation to IOTs:
- ▶ the IOT should not seek to decide the credibility or merits of a disputed allegation, nor make any findings as to whether the allegations are or are not established; that is a matter for any later substantive hearing (*Perry v Nursing and Midwifery Council [2013] 1 WLR 3423 and R (George) v The General Medical Council [2003] EWHC 1124 (Admin)*)
  - ▶ when assessing risk, the IOT has the ability to raise matters that have not been advanced in the parties’ submissions. However, if it does so, the IOT must ensure that in making its decision, it examines the issues holistically and against the background facts and evidence; particularly when the issue has a significant bearing on their decision as to the type of order to impose.
  - ▶ the IOT should ensure that their reasoning is adequate and that the relevant party can understand why they were unsuccessful. However, lengthy, or elaborate reasons are not required; on the contrary, they are positively discouraged by the (Imposing Interim Orders) guidance.

## People survey

- 26** The fieldwork for the 2023 People Survey took place between 27 June and 24 July 2023.
- 27** Annex A is a summary of the MPTS results that was shared and discussed at the all-staff away day that took place on 22 September at Greater Manchester Chamber of Commerce.
- 28** Annex B details what we will be doing next – this slide summaries both the discussions at the away day along with the outputs from a workshop with People Managers held on 19 October.

## Opportunities and threats

- 29** An updated MPTS register can be found at Annex C.
- 30** Time has been allowed at the Committee meeting for an in-depth review by the Committee of the register.

## All-staff away day

- 31** We held a very well received away day in September. For Committee members interest, the agenda is reproduced below:



<b>MPTS Away Day</b> <b>22 September 2023</b>	9am	Tea and coffee on arrival
	9.15am	Welcome introduction by Deborah
	9.30am	Activity at tables
	10am	Tribunal member training update by Tamarind: <ul style="list-style-type: none"> <li>• Recent learning points</li> <li>• Managing hearings effectively</li> </ul>
	-	Comfort & refreshment break
	11am	People Survey results overview by Colin
	11.30am	Jane Durkin, Freedom to Speak Up Guardian
	12noon	Opportunity to explore the Chamber’s art collection
	12.30pm	Lunch – sandwiches provided by Katsouris of Deansgate
	1.15pm	Activity at tables
	1.45pm	Updates by teams at the MPTS: <ul style="list-style-type: none"> <li>• Case Management</li> <li>• Corporate Services &amp; Information</li> <li>• Communications</li> </ul>
	-	Comfort & refreshment break
	3pm	Research into MPTS hearing outcomes by Javier Cabellero, GMC Chief Statistician
	4pm	Closing remarks from Gavin
	4.15pm	Finish

9am-4.15pm

Greater Manchester Chamber of Commerce  
Elliot House  
151 Deansgate  
Manchester  
M3 3WD





Agenda item: **07**

Report title: **Adjudgments Quarterly Update**

Report by: **Samantha Bedford, Head of Case Management,**  
[samantha.bedford@mpts-uk.org](mailto:samantha.bedford@mpts-uk.org), 0161 240 7112

Considered by: **MPTS Committee**

Action: **To note**

### **Executive summary**

This report:

- ▶ Summarises the key data and themes arising from hearings adjourning in Quarter 3 2023;
- ▶ Identifies actions to be taken forward by the MPTS.

### **Recommendation**

- ▶ The Committee is asked to note the update

# Adjudgments Quarterly Review: Q3 2023

## Scope of review

- 1 Each month a cross-section of staff members from Operations and Case Management meet to identify themes and issues arising from adjourned MPT hearings. Our review takes account of evidence from internal sources, including hearing commentary and case management documents.
- 2 Our findings and recommendations are disseminated to the relevant MPTS teams for action and monitored via an actions log.

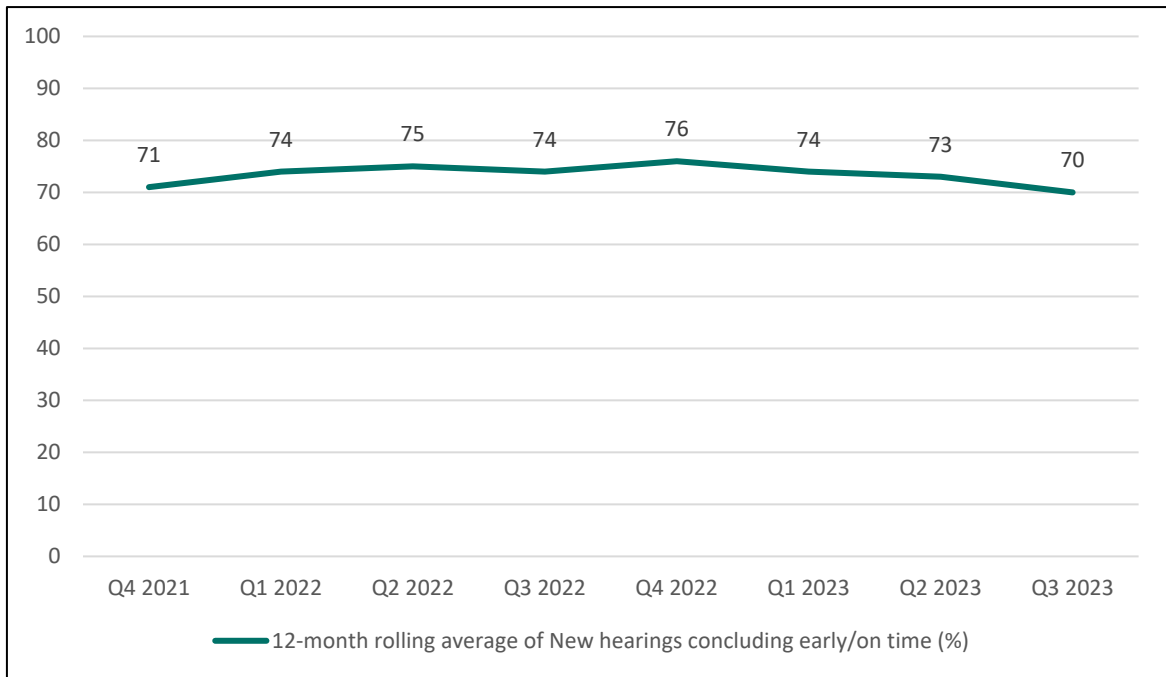
## Terminology

- 3 Where a hearing does not conclude in a single listing, we look at whether it was:
  - a. A **split-listed hearing**, where a hearing is listed to be held in multiple sessions (for example, due to case management intervention or as a reasonable adjustment);
  - b. An **unplanned adjournment**, which occurs where circumstances arise in the hearing that led to an adjournment.
- 4 Our review determines whether each unplanned adjournment was unavoidable or was potentially avoidable:
  - a. **Unavoidable unplanned adjournments** arise for reasons that could not reasonably have been foreseen. For example, where a participant is unwell, or if a Tribunal directs the practitioner to undergo an assessment of their health, language or performance;
  - b. **Potentially avoidable unplanned adjournments** arise where our review finds that parties, the Tribunal or the MPTS (or a combination) could have **potentially** foreseen and taken action to avoid an adjournment.

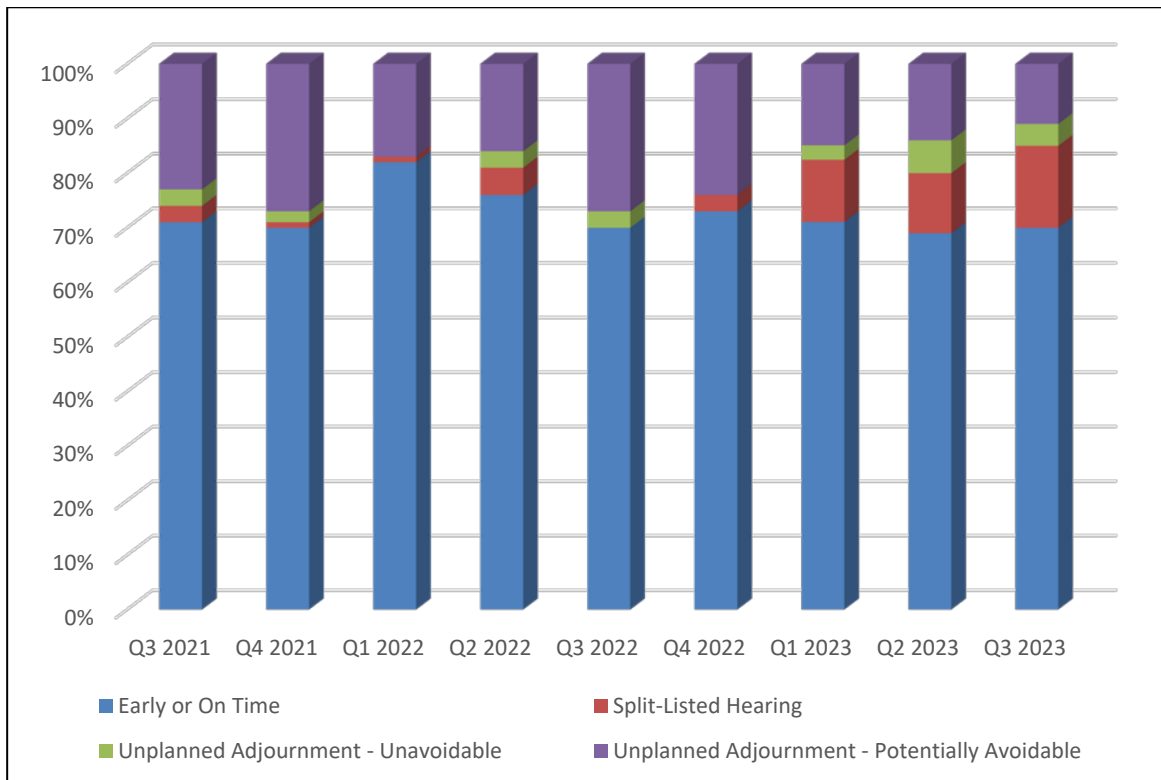
## New MPT hearings

- 5 To put adjournments in context, we look at data regarding all New MPT hearings, including those concluding early or on time. Hearings may conclude early as a result of the findings made by the MPT or where the time required to complete the hearing was otherwise overestimated.
- 6 In Q2 2023, **70%** of all New MPT hearings concluded either early or on time: **26 (27%)** hearings concluded early and **42 (43%)** hearings concluded on time.
- 7 Of the **30%** of New MPT hearings that did not conclude in a single session, **15%** were split-listed hearings and **15%** adjourned on an unplanned basis.

8 The chart below shows the 12-month rolling average for the number of New MPT hearings concluding either early or on time, for the most recent 24-month period.



9 The chart below shows the percentage of the New MPT hearings workload concluding on time, split-listed or adjourning for the most recent 24-month period, with the unplanned adjournments shown as unavoidable or potentially avoidable.



## Other MPT hearing types

- 10** A total of 10 of other MPT hearing types **adjourned unplanned** in Q3/2023. The table below indicates the number of unplanned adjournments across the MPT hearing types:

Hearing Type	Unplanned Adjournment	Split-Listed Hearing
Review Hearings	7	0
Remittal Hearings	1	0
Non-Compliance Hearings	0	0
Restoration Hearings	1	0
New & Review Hearings	0	0
Preliminary Hearings	1	0

## Themes emerging from adjourned hearings

- 11** The following themes, which we consider to be potentially avoidable and/or foreseeable, arise from our analysis of the adjourned MPT hearings in Q3 2023:
- 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 (Q3/04, Q3/08, Q3/10, Q3/13, Q3/18, Q3/19), or where hearing time could have been managed more effectively (Q3/04, Q3/07, Q3/09, Q3/22, Q3/30, Q3/31, Q3/33).
  - b. **Delays potentially caused by GMC** – There were instances where avoidable delays appear to have been caused by issues relating to GMC preparation or presentation of evidence (Q3/10, Q3/12, Q3/15, Q3/21, Q3/22, Q3/24, Q3/30).
  - c. **Delays potentially caused by doctor/defence** – There were instances where doctor/defence preparation was incomplete or delayed progress during the hearing (Q3/05, Q3/07, Q3/09, Q3/10, Q3/12, Q3/18, Q3/20, Q3/21, Q3/22, Q3/26, Q3/30).
  - d. **Delays caused by hearing timetabling** – There were instances where the availability or timetabling of witnesses to give evidence delayed progress (Q3/05, Q3/07, Q3/12, Q3/15, Q3/22, Q3/26) or where parties ought to have proactively requested additional listing time (Q3/31, Q3/33, Q3/35).
- 12** References “QX/XX” are used above 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.

## Identified action points

- 13** The review identified a number of actions from the analysis of Q3 adjourments, as outlined below. Any actions relating to identifiable individuals have been amended to ensure confidentiality.
- a. Actions relating to MPTS:
    - i Four hearings identified where issues regarding hearing management will be notified to Tribunal Development for review and potential feedback to Tribunals.
    - ii Two hearings identified for referral to the Quality Assurance Group process regarding hearing management issues and the length of determinations.
    - iii Case Management to incorporate learning points from preliminary hearings into guidance, and to review case management of one hearing.
    - iv Tribunal Development to consider including in Tribunal Circular learning points on whether to impose or amend an interim order before adjourning part-heard.
  - b. MPTS to provide feedback to GMC Legal on issues including: quality of interpreters used; inaccurate timetabling of cross-examination of practitioner in one hearing; submitting additional evidence at sanction stage; and failing to provide the Tribunal with key documentation relating to an adjourment application in one hearing.

## Adjourments detailed reviews

- 14** As noted in the Committee's Q2/2023 update, one hearing has recently been identified as warranting an ADR and has been referred for the ADR process to be launched. The Committee will be updated on the learning points identified in this review in due course.



Agenda item:	<b>08</b>
Report title:	<b>Review of the MPTS Committee’s Work Programme for 2024</b>
Report by:	<b>Niall Kelly, Corporate Governance Officer,</b> <a href="mailto:MPTSCommittee@mpts-uk.org">MPTSCommittee@mpts-uk.org</a> , 0161 240 3004
Considered by:	<b>MPTS Committee</b>
Action:	<b>To approve</b>

### **Executive summary**

- ▶ The MPTS Committee work programme for the following year (2024), setting out the business to be reviewed
- ▶ The work programme covers the duties and activities of the MPTS Committee as outlined in the Committee’s statement of purpose

### **Recommendation/s**

- ▶ The Committee is asked to consider and approve the work programme for 2024

1 Below is the MPTS Committee work programme for 2024.

<b>Date:</b> Wednesday 14 February 2024	<b>Meeting:</b> MPTS Committee
<ul style="list-style-type: none"> <li>▶ Chair’s report (oral)</li> <li>▶ Executive Manager’s report including the MPTS risk register, performance data, and priorities, plans, and projects (a-k and n)</li> <li>▶ Update on appeals (a, f)</li> <li>▶ Update from the Quality Assurance Group (f, g)</li> <li>▶ Adjournments quarterly update (f)</li> <li>▶ Tribunal members training update (b, c)</li> </ul>	

<b>Date:</b> Thursday 8 May 2024	<b>Meeting:</b> MPTS Committee
<ul style="list-style-type: none"> <li>▶ Chair’s report (oral)</li> <li>▶ Executive Manager’s report including the MPTS risk register, performance data, and review of compliments and complaints (a-k)</li> <li>▶ Report of the MPTS Committee to GMC Council (a-l)</li> <li>▶ MPTS annual report to Parliament (l)</li> <li>▶ Adjournments quarterly update (f)</li> <li>▶ Review of MPTS Committee’s work programme for 2024 (a)</li> </ul>	

<b>Date:</b> Wednesday 11 September 2024	<b>Meeting:</b> MPTS Committee
<ul style="list-style-type: none"> <li>▶ Chair’s report (oral)</li> <li>▶ Executive Manager’s report including the MPTS risk register, performance data, and priorities, plans, and projects (a-k and n)</li> <li>▶ Annual review of the MPTS vision (m)</li> <li>▶ Tribunal Members’ resourcing updates (a)</li> </ul>	

- ▶ Update from the Quality Assurance Group (f, g)
- ▶ Adjourments quarterly update (f)
- ▶ Annual review of case management (g)

**Date:** Wednesday 13 November 2024**Meeting:** MPTS Committee

- ▶ 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)
- ▶ Adjourments quarterly update (f)
- ▶ Review of the MPTS Committee’s work programme for 2025 (a)
- ▶ Annual review of MPTS Committee effectiveness



**Table 1. MPTS Committee’s duties and activities for 2024** (as set out in the Committee’s statement of purpose and additional items from the MPTS vision and MPTS projects).

MPTS Committee’s duties and activities	Assurance Route
<b>a</b> The delivery of a hearings service that demonstrates efficiency and effectiveness.	Executive Manager’s report and updates from the Quality Assurance Group.
<b>b</b> 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 2024.
<b>c</b> The appointment of legal assessors and that appropriate systems for the appointment, training, assessment and, where required, the removal of legal assessors are in place.	Papers on recruitment campaigns, training and appraisal as required.  Tribunal members training update scheduled for February 2024.
<b>d</b> 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.
<b>e</b> Consideration of matters by a Medical Practitioners Tribunal / Interim Orders Tribunals.	Executive Manager’s report.
<b>f</b> 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.
<b>g</b> High quality standards of case management by case managers are maintained.	Annual review of case management scheduled for September 2024.
<b>h</b> The setting and maintenance of guidance for the MPTS tribunals, case	Guidance requiring consideration by the MPTS Committee to be added to

managers and legal assessors, as required.	the work programme as required.
<b>i</b> 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.
<b>j</b> Notification of Medical Practitioners Tribunal and Interim Orders Tribunal decisions as required by the Medical Act.	Executive Managers report.
<b>k</b> Effective liaison with all users of the hearings service provided by the MPTS.	Included in the Executive Manager’s report and papers on engagement activities as required.
<b>l</b> 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 2024.
<b>m</b> From the MPTS vision:  ▶ Makes high quality, well-reasoned, independent decisions to protect the public. ▶ Treats all tribunal service users with respect and fairness. ▶ Uses modern technology to enhance the efficiency and effectiveness of running hearings. ▶ Shares its knowledge and makes a positive contribution to the future direction of adjudication.	Annual review of the MPTS vision scheduled on the work programme for September 2024.
<b>n</b> MPTS priorities and delivery of projects	Review of project delivery and discussion of future priorities and plans in February and September 2024.



Agenda item: **09**

Report title: **Annual review of the MPTS Committee’s effectiveness**

Report by: **Niall Kelly, Corporate Governance Officer,  
[MPTSCommittee@mpts-uk.org](mailto:MPTSCommittee@mpts-uk.org), 0161 240 3004**

Considered by: **MPTS Committee**

Action: **To discuss**

### **Executive summary**

- ▶ The MPTS Committee reviews its effectiveness annually.

### **Recommendation**

- ▶ The MPTS Committee is asked to discuss its effectiveness and determine if there are any changes that it wishes to make to the Committee’s activities and arrangements for 2024.

- 1** The MPTS Committee reviews its effectiveness on an annual basis at its final meeting of each year.
- 2** Good governance is fundamental to the success of the MPTS, as it enables and supports compliance with the law and relevant regulations, whilst promoting a culture in which we can all work towards fulfilling our vision.
- 3** The [Charity Governance Code](#) sets out principles of good governance in the following areas:
  - ▶ Organisational purpose
  - ▶ Leadership
  - ▶ Integrity
  - ▶ Decision-making, risk, and control
  - ▶ Committee effectiveness
  - ▶ Equality, diversity, and inclusion
  - ▶ Openness and accountability
- 4** As a starting point, from these, the Committee is asked to consider the following questions:
  - ▶ Is the Committee clear about their and the MPTS’ aims, and in ensuring that these are being delivered effectively and sustainably?
  - ▶ Does the Committee act with integrity, whilst adopting values and promoting a culture which helps achieve the MPTS’s purpose?
  - ▶ Does the Committee work as an effective team, using the appropriate balance of skills, experience, backgrounds, and knowledge to make informed decisions?
  - ▶ Does the Committee and the MPTS’s approach to diversity support its effectiveness, leadership, and decision-making?
- 5** The Committee is asked to determine if there are any changes that it wishes to make to the Committee’s activities and arrangements for 2024.