

Managing medical practitioners tribunal empanelment issues at the MPTS

Scope

This procedure is to be followed where empanelment issues arise on the first day of a new medical practitioners tribunal (MPT) hearing, before the hearing has commenced, and where one or more other new MPT hearings are scheduled to commence that day. Examples may include the unexpected non-attendance of a tribunal member or legal assessor, or a tribunal member identifying a significant conflict of interest.

Procedure

Where information comes to light that a hearing will likely be unable to commence, the MPTS will take steps to identify possible ways in which the issue might be addressed to enable the hearing - and others scheduled to start that day - to proceed. This might include:

- ▶ Identifying and empanelling a replacement tribunal member;
- ▶ Transferring tribunal members from one hearing to another.

As soon as possible, the MPTS will inform the parties to the hearing, and others that may be affected, of the issue that has arisen and will seek their views on the steps identified to enable it, and the other hearings, to commence as scheduled. Once a solution has been determined, parties will be informed before any action is taken.

The decision on how to proceed will be a matter entirely for the MPTS. In reaching its decision, the MPTS will take into consideration the views of all parties involved. It will also take into consideration the possible impact of transferring tribunal members from one hearing to another, such as conflicts of interest, scheduled hearing lengths, including any differences between them, tribunal member and party availability, sanction expiry dates, the vulnerability of any parties or witnesses and whether any interim orders are in place.