

Resource for doctors: medical practitioners tribunals

This guide will take you through
your medical practitioners
tribunal step by step.



How to use *Resource for doctors: medical practitioners tribunals*

We've created *Resource for doctors: medical practitioners tribunals* to support doctors who have been referred to a medical practitioners tribunal hearing. Separate information to help doctors referred to an interim orders tribunal hearing can be found in [Resource for doctors: interim orders tribunals](#).

These resources aim to answer your questions about the medical practitioners tribunal hearing process, from the initial stages through to after the hearing has ended. We cover the following areas:

<u>Part 1: Overview of medical practitioners tribunal hearings and the MPTS</u>	Overview of the role of the MPTS and a summary of the medical practitioners tribunal's powers
<u>Part 2: Representation and support</u>	Options for being represented at the medical practitioners tribunal hearing and other sources of support
<u>Part 3: Hearing dates and pre-hearing case management</u>	Information about setting hearing dates and case management directions
<u>Part 4: Receiving notice of your medical practitioners tribunal hearing</u>	Information about notice of your hearing, deciding whether to attend and how to make a postponement application
<u>Part 5: Preparing for your medical practitioners tribunal hearing – practical steps</u>	Suggestions about how to prepare for your hearing, including how to make oral or written submissions
<u>Part 6: Preparing for your medical practitioners tribunal hearing – disclosing evidence</u>	Information about types of evidence, to consider when preparing for your hearing
<u>Part 7: During your medical practitioners tribunal hearing –</u>	Arriving and what to expect during the initial part of your hearing

<u>starting the hearing</u>	
<u>Part 8: During your medical practitioners tribunal hearing – facts stage</u>	What to expect during the facts stage of your hearing (sometimes referred to as Stage 1)
<u>Part 9: During your medical practitioners tribunal hearing – impairment stage</u>	What to expect during the impairment stage of your hearing (sometimes referred to as Stage 2)
<u>Part 10: During your medical practitioners tribunal hearing – sanction stage</u>	What to expect during the sanction stage of your hearing (sometimes referred to as Stage 3)
<u>Part 11: Adverse inferences, refusal to admit evidence and costs awards</u>	Information about the potential consequences of failure to comply with the Rules or case management directions
<u>Part 12: After your medical practitioners tribunal hearing</u>	Information about what happens after your hearing, including publication of decisions

Resource for doctors aims to provide basic information to assist doctors and does not constitute legal advice. It is important to urgently seek independent advice from your medical defence organisation or a legal professional if you wish to do so.

All references in *Resource for doctors* to:

- **The Act** are to the Medical Act 1983 (as amended)
- **The Rules** are to the GMC Fitness to Practise Rules 2004 (as amended).

See [our legislation pages](#) for more information about these.

Part 1: Overview of medical practitioners tribunal hearings and the MPTS

Key points

- You may be referred to a medical practitioners tribunal hearing at the end of a General Medical Council (GMC) investigation.
- We arrange the medical practitioners tribunal hearing but play no part in the GMC's investigation.
- The medical practitioners tribunal is fully independent in its decision making and holds majority of hearings in public.

Role of the MPTS

The MPTS is a statutory committee of the GMC but is fully independent in its decision making and accountability to the UK Parliament.

We provide an adjudication service, which means we arrange for our medical practitioners tribunals to make decisions about doctors whose fitness to practise has been called into question by the GMC.

Why have I been referred to the medical practitioners tribunal?

GMC decision makers may decide to refer your case to a medical practitioners tribunal hearing at the end of its investigation of allegations into your fitness to practise. The GMC will provide you with a copy of the written decision which explains why the GMC has decided it is necessary to refer your case to a medical practitioners tribunal hearing.

The allegations leading to referral to a medical practitioners tribunal will fall within one or more of the following categories:

- misconduct
- deficient professional performance
- conviction/caution
- adverse physical or mental health

- not having the necessary knowledge of English
- determination by another regulatory authority.

What is the purpose of the medical practitioners tribunal hearing?

At the hearing, the medical practitioners tribunal must decide whether or not the allegations you face are proved. The medical practitioners tribunal will apply the civil standard of proof. This means the medical practitioners tribunal must decide whether, on the balance of probabilities, the matters occurred as alleged by the GMC. This part of the hearing is often referred to as the facts stage, or Stage 1.

If the medical practitioners tribunal decides that some or all of the facts are proved, the medical practitioners tribunal will then decide whether your fitness to practise as a doctor is impaired because of those findings. This part of the hearing is often referred to as the impairment stage, or Stage 2.

If the medical practitioners tribunal decides that your fitness to practise is impaired, the medical practitioners tribunal will then consider whether a sanction should be applied to your registration. This part of the hearing is often referred to as the sanction stage, or Stage 3.

What are the possible outcomes?

If the medical practitioners tribunal does not find the facts of the allegation(s) proved, the hearing will conclude with no action.

If the medical practitioners tribunal finds some or all of the facts of the allegation(s) proved, the following outcomes are possible.

- If the medical practitioners tribunal then goes on to find that your fitness to practise is not impaired, the medical practitioners tribunal may decide to take no action or to issue a formal warning. More information about this stage is provided in [Part 9](#).
- If the medical practitioners tribunal then goes on to find that your fitness to practise is impaired, the medical practitioners tribunal may then decide to:
 - take no action
 - impose conditions on your registration for up to three years
 - suspend your registration for up to 12 months

- erase your name from the medical register.

Will the hearing be held in public?

Medical practitioners tribunal hearings are usually held in public, with some exceptions. Matters relating to your health will be heard in private. The medical practitioners tribunal may also hear other matters in private session where the circumstances of the case outweigh the public interest in holding the hearing in public. All medical practitioners tribunal deliberations are held in private in the absence of the parties.

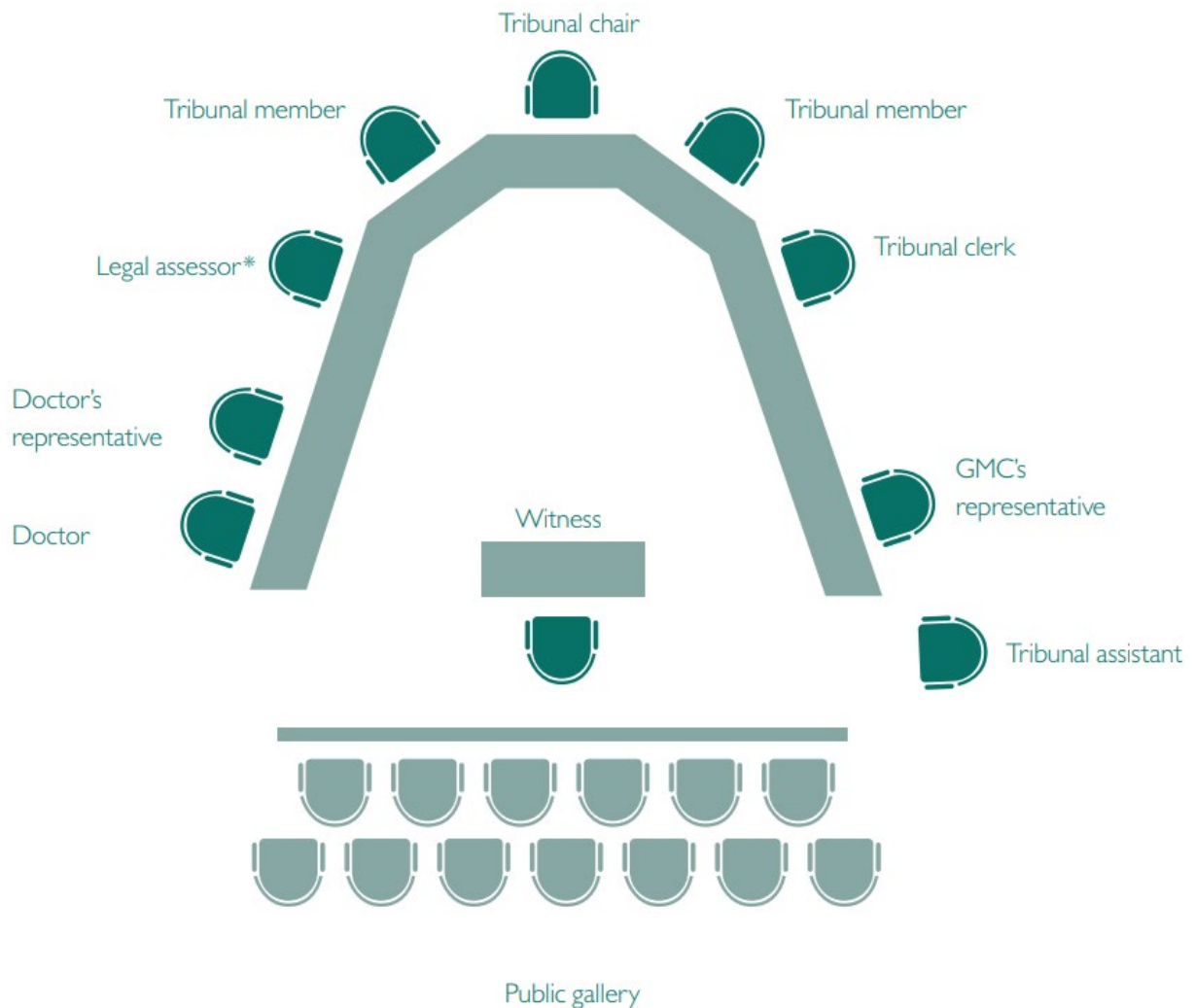
What are the main provisions of the Act and Rules relevant to medical practitioners tribunal hearings?

The main powers of the medical practitioners tribunal are set out in sections 35D and 38 of the Act.

The procedure followed before and at medical practitioners tribunal hearings is set out in Rules 15 to 17.

Other parts of the [Act and Rules](#) also apply to medical practitioners tribunal hearings (for example, Rule 33 regarding the power to proceed in a practitioner's absence), but are beyond the scope of these resources.

Who will be at the hearing?



Tribunal members

The medical practitioners tribunal is made up of three tribunal members, appointed and trained by the MPTS. There will be at least one doctor (medically qualified with a licence to practise) and at least one lay person (not medically qualified). One tribunal member will act as chair.

The chair of your hearing may be a legally qualified chair. The legally qualified chair will be either an experienced solicitor or barrister who will advise the medical practitioners tribunal on questions of law as to evidence and procedure.

Legal assessor

If the chair is not a legally qualified chair, we will appoint a legal assessor (an experienced barrister or solicitor) to advise the medical practitioners tribunal on

points of law and procedure. The legal assessor does not take part in the medical practitioners tribunal's decision making.

Others

A legal representative instructed by the GMC will attend and present the GMC's case.

There will also be an MPTS clerk present, who is responsible for the administration of the hearing, and an MPTS assistant, who provides assistance to both the medical practitioners tribunal and the clerk.

Where is the hearing centre and what does it look like?

Our hearing centre is located in central Manchester.

[Find out how to get to us.](#)

You can also [take a virtual tour of the hearing centre.](#)

If you'd like to provide feedback on *Resource for doctors: medical practitioners tribunals* please go to: www.smartsurvey.co.uk/s/ResourceforDoctors_MPT_Part1/

Part 2: Representation and support

Key points

- You can be represented by a representative at the medical practitioners tribunal hearing, or you may represent yourself.
- There are different types of representation and sources of support available.

Representation and obtaining advice

As soon as you receive notice that the GMC has referred your case to a medical practitioners tribunal hearing, it is essential to take urgent action to decide how you will be represented at that hearing.

Being represented means that your representative will speak for you at the hearing and (where applicable) will ask questions of witnesses for you. You can be represented at medical practitioners tribunal hearings in any of the ways explored below.

Legal representation

If you're a member of a medical defence organisation and are being assisted by them, or if you have already organised your own legal representation, you should inform them urgently about your medical practitioners tribunal hearing. They will be able to give you information and advice about your hearing.

If you're a member of a medical defence organisation and have not already contacted the organisation, you should do so urgently. [View contact details for the three main medical defence organisations.](#)

You can also organise your own legal representation by instructing a solicitor, barrister or legal executive to act on your behalf. You will be responsible for paying the fees of your appointed legal representatives.

- Solicitors: You can search for a law firm or solicitor according to geographical and practice area on the [Law Society's website](#).
- Legal executive: You can search for a chartered legal executive on the [Chartered Institute of Legal Executives' \(CILEx\) website](#).

- Barrister (or advocate if working in Scotland): You can find more information about instructing a barrister on the [Bar Council website](#).

If you cannot afford to pay for legal advice and representation, then you may be able to obtain assistance at a reduced fee or for free:

- The Bar Pro Bono Unit is a charity which assists in finding free legal help from volunteer barristers. Find out more on the [Bar Pro Bono Unit website](#).
- Organisations such as [Citizens Advice](#) and [Law Works](#) can also provide free legal advice.

Other representation

You may be represented by someone from any professional organisation of which you are a member. The list of professional organisations we recognise is set out in our [guidance for decision makers on representation](#).

You may decide that you would like a family member or other lay person to represent you. At the beginning of the hearing the medical practitioners tribunal will decide if they are a suitable person to do this. To help reach this decision, the medical practitioners tribunal will consider any available information, including the person's criminal record (if any) and history. Our [guidance for decision makers on representation](#) provides further information.

Self-representation

We strongly advise you to seek advice and be legally represented. However, if you decide to represent yourself at your hearing, you should take time to familiarise yourself with the hearing process. Representing yourself will mean that you will prepare your own case, speak on your own behalf at the medical practitioners tribunal hearing and (where applicable) ask questions of witnesses.

Please let the MPTS know as soon as possible if you have decided to represent yourself. You should also take time to read these resources, along with other documents provided to you by the GMC and the MPTS before the hearing takes place.

Further information is provided in Part 4 about what to do if you do not appoint a representative and do not wish to attend the medical practitioners tribunal hearing, but wish to provide written submissions for the medical practitioners tribunal to consider.

Other sources of support

There are also sources of non-legal support available for you to use during the hearing process.

Doctor support service

The GMC has commissioned the BMA's Doctors for Doctors service to provide independent, confidential and emotional support to any doctor involved in a fitness to practise case – you don't have to be a member of the BMA to use it. The service is free and run on a peer support basis so the people you speak to will be doctors themselves. You can contact them on their dedicated telephone line for support and, with sufficient notice, your supporter can accompany you for up to two days of a medical practitioners tribunal hearing.

[View contact details for the BMA doctor support.](#)

Hearings procedure telephone information service

The telephone information service is run by volunteer post-graduate students from the University of Law, Manchester and BPP Law School, Manchester. The volunteers cannot comment on your case or give legal advice, but they can explain more about the hearing process and what to expect at the hearing centre.

[Find more information about the telephone information service.](#)

MPTS doctor contact service

During the hearing a member of MPTS staff unconnected to your hearing is available to help lessen any isolation and stress, signpost useful support materials and services and provide information about the hearing process.

[View contact details for the MPTS doctor contact service.](#)

Bringing a McKenzie friend

A McKenzie friend is someone who assists you in preparing your case by helping with paper work and statements and also going with you to the hearing. They cannot represent you at the hearing, but they can take notes and suggest questions for you to ask.

While McKenzie friends may be knowledgeable about the hearing process, they are generally not legally qualified and there is no requirement for them to be. But you can use a legally qualified person to act for you in this capacity, if you wish.

Anyone can act as a McKenzie friend, apart from someone who is to be a witness in the hearing. You will be responsible for paying any expenses that they may have.

If you intend to bring a McKenzie friend to your hearing, please inform us as soon as possible and [complete the McKenzie friend form](#). Your McKenzie friend will be expected to agree to the code of conduct attached to the form.

Bringing a note taker

You can bring a note taker to attend your hearing with you if you wish. The note taker can keep a record for you of what is said during the hearing – you may find this useful when you are speaking to the medical practitioners tribunal or giving evidence.

The note taker does not need to be legally qualified and you can ask a friend or family member to take notes for you if you wish. Please note that MPTS staff will not be able to take notes for you.

If you'd like to provide feedback on *Resource for doctors: medical practitioners tribunals* please go to: www.smartsurvey.co.uk/s/ResourceforDoctors_MPT_Part2/

Part 3: Hearing dates and pre-hearing case management

Key points

- You may be invited to participate in a telephone conference to set your hearing date. For shorter hearings, the dates will be set for you and notified to you in writing.
- You will be given instructions, known as case management directions, to comply with to make sure you are prepared for the hearing. It is important to comply with these directions, as there can be consequences for failing to do so.
- If you think it isn't possible for your medical practitioners tribunal hearing to go ahead on the scheduled dates, you may apply for a postponement. It is important you set out the reasoning for your application clearly, along with any evidence.

How and when will the hearing dates be set?

Once the GMC has informed you that your case has been referred to a medical practitioners tribunal hearing, the GMC will notify the MPTS that a hearing date is required. We use our case management procedure (explained below) to allocate hearing dates.

We aim to set a hearing date as soon as possible, taking into account the complexity of the case and the preparation time reasonably required by you and the GMC. We will list the hearing to start within the service target period for your hearing – this will be within six or nine months, depending on the type of case. Further information about case types and service targets can be found in our [case management procedure guidance](#).

Case management procedure

What is case management for?

We use case management to:

- encourage you and the GMC to prepare your cases, and to cooperate with each other to keep delays to a minimum

- facilitate the effective and efficient running of MPTS hearings
- minimise the stress on you and on witnesses at a hearing by setting up an effective channel of communication during the pre-hearing period and seeking agreement about a number of key issues.

The case management procedure can't be used to challenge the GMC's decision to refer your case to a medical practitioners tribunal hearing, or to determine any of the facts in your case. You should make sure that you focus on preparatory issues, such as whether you want to rely on a report from an expert.

Although taking part in case management is voluntary, we strongly encourage you to do so. Participation will help structure your preparation for the hearing and will provide an opportunity to ask questions about the hearing process.

What does the procedure involve?

Depending on the estimated length and complexity of your hearing, the case management procedure may include:

- **Direct listings:** Cases that are expected to run for up to five days will usually follow the direct listings process. This means that our Listings team will set a hearing date for you, without the need for a listings telephone conference or a pre-hearing meeting (see below). You and the GMC will be given written case management directions to comply with before your hearing.
- **Listings telephone conferences:** These happen in most cases that are expected to run for more than five days. The listing telephone conference will be held between you and the GMC, chaired by a member of our Listings team. Further information about listing telephone conferences, including an agenda for the discussion, can be found in our [case management procedure guidance](#).
- **Pre-hearing meetings:** These happen in most cases expected to run for more than five days, but are available for shorter hearings where required. The pre-hearing meeting will be chaired by one of our legally qualified case managers. Information on the pre-hearing meetings process is set out in Rule 16. The case manager plays a critical role in making sure that you and the GMC prepare properly for the hearing, and that the hearing will progress as smoothly as possible. Further information about pre-hearing meetings, including an agenda for the discussion, can be found in our [case management procedure guidance](#).

What happens at listings telephone conferences?

At a first listings telephone conference, we will set provisional hearing dates. You and the GMC will also be issued with listings instructions, which set out the key deadlines for you and the GMC to prepare and disclose written evidence. More information about different types of evidence can be found in [Part 6](#).

At a second listings telephone conference, we will ask both parties to confirm how their preparations are progressing and will issue further listings instructions, where necessary.

What happens at pre-hearing meetings?

In most cases a pre-hearing meeting will take place after the first listings telephone conference. We will invite you and the GMC to take part in the pre-hearing meeting, which will be chaired by a legally qualified case manager. Pre-hearing meetings are usually held by telephone conference. If your case needs a prehearing meeting, we will tell you and give you information about what to do.

The case manager will work with you and the GMC to resolve any outstanding issues regarding hearing preparation, where possible. We strongly encourage you to take part in the pre-hearing meeting, as it will give you the chance to ask questions and will help you identify the steps you need to take to prepare for the hearing.

The case manager can give legally binding directions to you or the GMC. For example, the case manager may give dates by which evidence must be gathered and shared. You and the GMC will both be expected to comply with all case management directions (see below).

How to prepare for a listings telephone conference or pre-hearing meeting

When preparing for a listings telephone conference or pre-hearing meeting, you may wish to consider the following points.

- Carefully read our [case management procedure guidance](#). This gives further details about what to expect, including an outline agenda, which will usually be followed. Make notes of any points you wish to raise and any questions you would like to ask.
- Make sure that you have somewhere quiet to dial into the listings telephone conference or pre-hearing meeting where you will not be interrupted and can speak freely. Listings telephone conferences may take up to 30 minutes. Pre-hearing meetings usually last up to one hour.

- For a first listing telephone conference, you should have details of your availability (and that of any witnesses you intend to call to give evidence). If you wish to make a request for your hearing to take place outside of the service target period, then you need to apply in writing to the MPTS, setting out the reasons for your request. Requests cannot be considered during the listing telephone conference.

Will I get a record of the listings telephone conference or pre-hearing meeting?

Within seven days of the listings telephone conference or pre-hearing meeting, we will send you and the GMC a written record of the discussions. This will not be a full transcript of the discussions, but will highlight the main areas discussed. The written record will record any listings instructions or case management directions made. A copy of the written case management records will also be provided to the medical practitioners tribunal hearing your case, so that they know what was discussed and directed.

What happens if I don't take part?

If you choose not to participate, the case management procedure will continue without you. You will still be sent copies of the written record and you will be expected to comply with the listings instructions and case management directions you have been given.

Complying with Rules and case management directions

The medical practitioners tribunal hearing your case will expect that both you and the GMC will have complied with the [Rules](#) and case management directions, unless there has been a significant change in circumstances.

If you or the GMC do not comply with the Rules or case management directions, the medical practitioners tribunal can take the following actions:

- draw an adverse inference
- refuse to admit evidence
- award costs.

It is therefore in your best interests to make sure that you comply with all of the Rules and case management directions given to you. **Failure to do so could have important consequences.**

Further information about the possible consequences of not complying with the Rules or case management directions can be found in [Part 11](#).

If you'd like to provide feedback on *Resource for doctors: medical practitioners tribunals* please go to: www.smartsurvey.co.uk/s/ResourceforDoctors_MPT_Part3/

Part 4: Receiving notice of your medical practitioners tribunal hearing

Key points

- You will receive formal notice of your medical practitioners tribunal hearing at least 28 days in advance of the hearing, unless in exceptional circumstances
- It is for you to decide whether to attend your medical practitioners tribunal hearing. If you choose not to attend, the hearing may proceed in your absence. You may submit written submissions instead if you wish to do so
- If you think it isn't possible for your medical practitioners tribunal hearing to go ahead on the scheduled dates, you may apply for a postponement. It is important you set out the reasoning for your application clearly, along with any evidence

Receiving notice of your hearing

Although you will receive advance notice of your hearing dates through our case management procedure (see [Part 3](#) for more information), you will also receive a formal Notice of Hearing from the MPTS at least 28 days before the hearing. The Notice of Hearing will:

- confirm the date, time and venue of the hearing
- confirm that you have the right to attend the hearing and be represented
- confirm that the hearing can proceed in your absence if the medical practitioners tribunal is satisfied that you have been given notice of the hearing
- explain the medical practitioners tribunal's role and powers.

You will also receive separate notice from the GMC with a final copy of the allegations you face, which the medical practitioners tribunal will consider at the hearing. This is known as a Notice of Allegation and must be sent to you by the GMC under the [Rules](#).

Deciding to come to your hearing

You don't have to come to the medical practitioners tribunal hearing, but it is usually in your best interests to do so because of the potential impact on your GMC registration. For example, questions might arise that only you can answer and you

will be able to give the medical practitioners tribunal your comments about the allegations.

Along with the Notice of Hearing, you'll also find enclosed an attendance confirmation form to complete to let us know if you will be attending the medical practitioners tribunal hearing, if you will be represented and, if so, whom your representative is.

Please also let us know as soon as possible if you have any additional needs that affect whether you can come to the hearing (eg because of a disability or communication difficulty) and provide details of any reasonable adjustments required. The MPTS hearing centre has wheelchair access and a loop system for people with hearing loss.

The hearing may go ahead without you or your representative being present if the medical practitioners tribunal is satisfied that you have been given notice of the hearing and it is appropriate to proceed in your absence. It is your responsibility to keep your contact details up to date so we can contact you.

If you decide not to attend your medical practitioners tribunal hearing, you may still submit written comments to be considered by the medical practitioners tribunal. You should send your written comments to your GMC contact by the date specified in any case management directions sent to you (further information about case management directions can be found in [Part 3](#)).

Children in hearings

Please note that if you are attending the hearing we ask that you do not bring children, as they are not permitted in the hearing room. If you really have no option and they do attend the hearing centre, you must make sure the children will be supervised by an adult at all times. Our staff can't take responsibility for them.

Asking to postpone your hearing

If you think that it isn't possible for your medical practitioners tribunal hearing to go ahead on the scheduled date, please apply in writing or email to us to postpone your hearing. Applications must be sent at the earliest opportunity to MPTSOperationsListings@mpts-uk.org. MPTS staff cannot advise you about your case.

To make an application, please complete a [postponement application form](#) or set your application out in writing. You should clearly explain your reasons for seeking a postponement, identify the length of postponement you wish to request and include any supporting documentation, such as copies of medical reports.

Your application will be considered by a legally qualified MPTS case manager. The MPTS case manager will balance your interests with the public interest, as well as fairness to both sides, when making their decision. The MPTS case manager will also take into account our [guidance for decision makers on postponements](#) – you may find it useful to consider this document before making your application.

Both you and the GMC will be notified of the decision in writing as soon as possible. If the postponement is agreed, your hearing will be rescheduled for a later date. If it is not agreed, your hearing will proceed as scheduled. If new issues arise after your postponement application has been decided, you can submit a new postponement application.

If the GMC or MPTS applies to postpone your medical practitioners tribunal hearing, the same procedure will apply – you will be asked to submit written comments which will be considered by the MPTS case manager and will then be notified of the outcome.

If you'd like to provide feedback on *Resource for doctors: medical practitioners tribunals* please go to: www.smartsurvey.co.uk/s/ResourceforDoctors_MPT_Part4/

Part 5: Preparing for your hearing – practical steps

Key points

- It is vital to start preparing for your hearing at the earliest opportunity. This will help you to meet the deadlines set and ensure you are well-prepared.
- If you will attend the hearing, you may make oral submissions and question witnesses. If you will not attend the hearing, you may provide written submissions.
- Whether you intend to attend the hearing or provide written submissions, it is important you prepare your submissions carefully and in advance of the hearing to prevent any delays in the hearing of your case.

Issues to be considered

The hearing starts with an introduction to open the case, followed by up to three stages, depending on the outcome of each stage. The stages are to decide:

- if the facts of allegation against you are proved – see [Part 8](#)
- if your fitness to practise is impaired – see [Part 9](#)
- if so, what sanction should be imposed – see [Part 10](#).

At the end of each stage, the medical practitioners tribunal will retire in camera (ie in private session without the parties or members of the public present) to make its decision. The medical practitioners tribunal will then produce a written explanation of its decision (a determination). This will read out by the chair or handed down in public and made available to all parties.

Deciding how to respond to the allegations

When preparing for the hearing, it is essential to carefully consider the allegations you face and the evidence the GMC discloses to you. It is important to decide whether you accept or dispute the allegations.

Making admissions

When you agree with some or all of the alleged facts set out in the allegation made against you, this is called an admission. You can make an admission by telling:

- the GMC and the MPTS before the hearing. Making admissions before the hearing means that the length of the hearing might be reduced, as less time will be required to consider evidence during the facts stage of the hearing
- the medical practitioners tribunal at the start of your hearing. At the beginning of your hearing, after you have confirmed your full name and GMC number, the medical practitioners tribunal will ask if you wish to make any admissions. This is your opportunity to say which facts, if any, you accept.

Anything that you admit will be treated as a proven fact, and will be recorded as such in the medical practitioners tribunal's written determination on the facts of the case, which is the first stage of the hearing. The medical practitioners tribunal will not accept partial admissions – you either accept the fact as it is set out or it remains a matter for the medical practitioners tribunal to determine, based on the evidence presented to it.

You can indicate to the medical practitioners tribunal if you wish to make any further admissions during the course of the facts stage on the basis of the evidence that has been presented.

If you admit the allegation in its entirety the hearing will proceed to the second stage – the impairment stage without the need for the facts to be determined by the medical practitioners tribunal.

Withdrawing admissions

In exceptional circumstances you might wish to withdraw an admission if the evidence which comes to light during the hearing shows that your admission was made on the basis of a material error or misunderstanding. You can only do this if new information comes to light, not just because you have changed your mind. It will be a matter for the medical practitioners tribunal to decide whether you can withdraw an admission.

Deciding what preparation is required

After you have carefully considered the allegation and the GMC's evidence, you may find it useful to make a note of any information you wish to present to the medical practitioners tribunal.

Some of the information you wish to provide may be evidence – such as witness statements, an expert report or other documents. You may also wish to question the GMC’s witnesses to test their evidence – this is known as cross-examination. Further guidance about obtaining different types of evidence and preparing cross-examination is set out at [Part 6](#).

You will also be given the opportunity to present your case for consideration by the medical practitioners tribunal: this is called a submission. The GMC representative will make submissions on behalf of the GMC and then you will be invited to present your case. There are two types of submission you can make, which are explained below.

Types of submissions

Oral or verbal submissions

Oral submissions are when you make your arguments to the medical practitioners tribunal by speaking at the hearing in person. If you will be represented at the hearing (see [Part 2](#) for further information about representation), your representative will make submissions on your behalf.

It is strongly advisable to prepare your oral submissions in advance. To do this, you may wish to prepare an outline or bullet point list to help you remember the points you want to make.

There are several points in the hearing where you will be given the opportunity to make submissions if you wish to. For example:

■ opening submissions

After the GMC’s representative has set out the GMC’s case and presented all of its evidence, you can make a brief opening statement to the medical practitioners tribunal. You should summarise the key points of your case, explaining what you will present as evidence – this may include documents or witnesses in support of your case. You should not present your evidence in detail during your opening statement – this will be done in the next part of the hearing.

■ closing submissions

You and the GMC can make closing submissions once all the evidence has been put before the medical practitioners tribunal. This is an opportunity to summarise your case on the basis of the evidence and documents that have been presented. Generally, this is done orally but sometimes the medical practitioners tribunal will ask for submissions, or a summary of submissions, to be given in writing.

Written submissions

If you do not intend to attend or be represented at the hearing, you may send written submissions instead. You may also find it helpful to make written submissions if you are concerned about public speaking or to make sure that you make all the points you want to.

It is essential to prepare and send your written submissions to the GMC and the MPTS in advance, ideally by email. This will allow us to ensure that your written submissions are provided to the medical practitioners tribunal.

Preparing and making submissions

Always adopt an organised approach to planning your submissions

- Organise your points in a logical order, using clear headings.
- Think about how to break down the points you want to make, so that you can present your argument in manageable chunks. For example, if you have four reasons which support your view, say so and refer to each reason by number ('my first reason is...my second reason is...' etc.).
- Be prepared to tell the medical practitioners tribunal where to find each piece of evidence that supports your position (for example, by referring to the page number in the hearing bundle). This way you can be confident that they are reading the information you want to draw to their attention while you are making the points you want to about it.
- Use plain English and aim to be as concise as possible, using short sentences. While you will be given the opportunity to make the points you wish to, the medical practitioners tribunal will expect your submissions to be focused.

Practical points for oral submissions

- Before the hearing, practise what you want to say by saying it out loud to a friend or family. This way you can check if it is easy to follow and understand and you can get a feel of the flow of your argument.
- At the hearing:
 - turn on the microphone in front of you, by pressing the button on the base. When you have finished speaking, remember to turn your microphone off

- make sure you speak clearly and slowly so that the medical practitioners tribunal can take notes, which it will refer to throughout the hearing and in making its decisions
- when you finish your sentence, if the medical practitioners tribunal is still writing, wait. When the medical practitioners tribunal stops writing, start speaking again
- don't interrupt the GMC representative when they are speaking to the medical practitioners tribunal. You will be given a chance to speak when it is your turn. If, however, you think that you need to interrupt, make sure you do it in the right way: address the chair when the GMC representative comes to the end of their sentence and explain the reason for your interruption
- listen carefully to any questions asked by the medical practitioners tribunal and answer them clearly
- try to stay calm and avoid using strongly emotional language.

Practical points for written submissions

- Typed written submissions are preferable to hand written notes.
- Use a large font like Arial 14. It makes it clear to read.
- Use headings to signpost each point you are making, and use bullet points or numbered points to make your arguments clear.

Other essential steps

In the weeks running up to your medical practitioners tribunal hearing there are a number of key actions to take to make sure you are prepared for the hearing.

GMC disclosure

Make sure you have to hand copies of all of the allegations and evidence the GMC has disclosed to you. If you have a question about the documents the GMC has provided (for example, if you think some important information is missing), you should raise this with your contact at the GMC without delay.

Your disclosure

As explained in [Part 3](#), you will have received a deadline to provide copies of any evidence you rely on to the GMC. It is important that you start your preparation at the earliest opportunity to make sure you can meet the deadline set.

Preliminary legal arguments

If you or the GMC identifies a legal issue which needs to be addressed at the hearing (for example, arguments about whether the medical practitioners tribunal should receive certain documents, or that the hearing should be held in private), this will need to be considered by the medical practitioners tribunal at the start of the hearing as a preliminary legal argument. You should inform your GMC contact and the MPTS as soon as you identify a preliminary legal argument you intend to raise.

The party raising the issue (known as the applying party) must produce a skeleton argument. A skeleton argument is a document that sets out the main points you want to make to the medical practitioners tribunal in support of the application you are making. The applying party must send their skeleton argument to the responding party by the deadline specified in the case management directions you will have received.

The responding party must then produce a skeleton argument in response, and send it to the applying party by the deadline specified in the case management directions.

Practical points for preparing a skeleton argument

- You may find it helpful to use the [skeleton argument template](#).
- A skeleton argument should rarely exceed five pages.
- Try to use one side of the page only and use wide margins – this allows the medical practitioners tribunal to write notes on your skeleton argument.
- Use at least 1.5 line spacing and a large, clear font.
- Number the pages and paragraphs. This makes it easier to refer to specific areas you wish to highlight.
- Use headings to introduce topics.
- Always provide a chronology in cases where dates are important.
- Use abbreviations wherever possible, but make sure that they can be understood by the medical practitioners tribunal and the parties.

Hearing bundles

While you are preparing your case, the GMC will be in contact with you about arrangements for the bundle of documents to be used at the hearing, known as the hearing bundle. We have published guidance on [Hearing bundles for medical practitioners tribunal hearings](#) which sets out what the medical practitioners tribunal will expect from you and the GMC.

The GMC will send you a copy of either the draft hearing bundle index (ie a contents page) or the full bundle for you to comment upon. This will list all of the documents and evidence that the GMC wishes to show to the medical practitioners tribunal at the hearing.

After you have carefully reviewed the draft hearing bundle and/or index, you should reply to the GMC to confirm whether you have any comments to make. You must identify any documents that you object to being included in the bundle and why, as well as any other documents that you would like to be added.

The hearing bundle will usually contain all of the documents required for the first stage of the hearing (see [Part 8](#) for more information about this stage). Both you and the GMC may wish to prepare separate bundles of documents (for example, containing any testimonials or references) for use in later stages of the hearing, if applicable.

If you plan to produce any patient identifiable information at the hearing we would remind you of the GMC guidance on [Confidentiality: good practice in handling patient information](#). It's important to make sure the documents you disclose comply with your responsibilities under data protection legislation. The party relying on a document is responsible for making sure any personal data appearing in that document is appropriately redacted.

Witness attendance

While you are preparing your case, the GMC will be in contact with you about arrangements for the attendance of witnesses at the hearing.

The GMC will send you a draft witness timetable. This will set out which witnesses the GMC relies upon, when they will attend the medical practitioners tribunal hearing and how it is intended for their evidence will be given – ie whether they will attend in person or give evidence by video link or telephone (subject to permission).

After you have carefully reviewed the draft witness timetable, you should reply to the GMC to confirm whether you have any comments to make. You must identify:

- if you think a witness may need to attend for longer than indicated on the timetable (for example, because you have a lot of questions for that witness)
- if you don't have any questions for a witness because you accept the contents of their witness statement. The GMC will usually stand these witnesses down so that they do not have to attend the hearing.

If you are relying on witness evidence, the GMC will also tell you which of your witnesses it wishes to question, so that you can make arrangements for those people to attend the hearing. You should liaise with your contact at the GMC about when your witnesses are likely to be required. Please note that MPTS cannot pay for any travel or accommodation costs that you or any witnesses incur to attend the hearing.

Video link or telephone evidence

The GMC may inform you that it intends to make an application to the MPTS for permission for a witness to give evidence by video link or telephone. This can be for a variety of reasons – for example, if a witness lives overseas or is in poor health affecting their ability to travel. You also have the right to make applications for your witnesses to give evidence by video link or telephone if you wish to do so.

Applications for video link or telephone evidence can be made in advance of or at the hearing, depending on the circumstances. Further information about these applications and how to apply is set out in our guidance [Use of video, telephone and special measures](#).

Vulnerable witness applications

The GMC may inform you that it intends to make an application to the MPTS for a witness to be treated as a vulnerable witness within the meaning of the [Rules](#). This can be for a variety of reasons – for example:

- a witness with a physical disability or mental health condition that is likely to adversely affect their evidence
- a witness who is the alleged victim of an allegation of a sexual nature.

If a witness is treated as a vulnerable witness, special measures will be put in place to assist the witness to give their best evidence. This will depend on the circumstances, but might involve the witness giving evidence over a video link or from behind a screen.

Vulnerable witness applications can be made in advance of or at the hearing, depending on the circumstances. Further information about these applications and

how to apply is set out in our guidance [*Use of video, telephone and special measures*](#).

If you'd like to provide feedback on *Resource for doctors: medical practitioners tribunals* please go to: www.smartsurvey.co.uk/s/ResourceforDoctors_MPT_Part5/

Part 6: Preparing for your medical practitioners tribunal hearing – disclosing evidence

Key points

- It is important to disclose all evidence in line with the preparation deadlines set.
- If you will instruct an expert witness or obtain witness statements, guidance is available to help ensure those documents meet the medical practitioners tribunal's requirements.

Disclosure of evidence

As explained in [Part 3](#), we will give you a deadline to send to the GMC copies of any evidence you wish to use at the medical practitioners tribunal hearing. The medical practitioners tribunal will expect that both you and the GMC have sent each other the evidence you wish to use at the hearing (known as disclosure) in good time and in line with the deadlines set. Failure to comply with the deadlines set can cause delays and may have important consequences – see [Part 11](#) – so it is in your best interests to make sure you disclose evidence on time.

Documents to be disclosed

You need to disclose to the GMC all documents which you want to refer to at the medical practitioners tribunal hearing. This might include:

- documents, including witness statements and expert reports
- relevant emails, letters and telephone notes
- medical records
- photographs
- recorded material, including audio and video clips.

If new information comes into your possession during the course of the hearing, you should let the GMC know about it, even if you don't intend to rely on it.

You do not have to disclose any correspondence, advice or recorded discussions between yourself and your legal representative – that is considered privileged information and you cannot be compelled to share it.

Expert evidence

Expert evidence is the independent opinion provided by an expert about the issues relevant to your case. For example, if your case involves allegations of inadequate clinical care, the GMC will obtain the opinion of an expert in that area of medicine about whether your actions met the expected standards.

In a health related case, expert opinion might be sought from an appropriate healthcare professional who undertakes an assessment of your health and advises the GMC about whether it affects your fitness to practise.

Expert witnesses give reports to the medical practitioners tribunal, and attend the hearing if required, to give further evidence in person and to answer any questions that you, the GMC or the medical practitioners tribunal may have.

Regardless of whether it is the GMC or you who commissioned the expert report, the expert witness's duty is solely to assist the medical practitioners tribunal in understanding the issues in question. Their role is not to champion the case of whoever instructed them.

Content and format of expert reports

Information about the duties of expert witnesses and what the medical practitioners tribunal will expect from them is available in our guidance, [Protocol for the instruction of experts to give evidence in medical practitioners tribunal hearings](#). We strongly recommend that you send a copy of this guidance to any expert witness you instruct, to make sure they know how to format their report and understand their legal obligations.

Do I need an expert witness?

In certain types of case the GMC will obtain the opinion of an expert in the relevant field. You will be given a copy of the expert's report during the GMC's investigation. You might disagree with the expert's opinion, in which case you may wish to consider instructing your own expert, although it is not compulsory to do so. If you instruct an expert it must be someone with demonstrable, relevant qualifications and expertise in the area under consideration.

The GMC will not pay for you to get your own expert report. You are responsible for identifying an appropriate expert and paying for their report and their attendance at the medical practitioners tribunal hearing.

What will be included in an expert report?

The expert will provide an opinion based on all the information available, and will specify what they have taken into account in reaching their conclusions. They might be asked to respond to specific questions relating to the allegations, for example, their opinion on particular aspects of treatment and the overall standard of care provided. If you decide to instruct your own expert witness, you should ensure that you provide them with a copy of all relevant documents so that they can reach a well-informed opinion.

If the case relates to your health, the expert will be asked to provide a diagnosis and prognosis, together with details of any examination or testing they undertook or directed. If the expert identifies concerns about your health which may affect your ability to practise safely as a doctor they are likely to make recommendations about what they consider to be an appropriate outcome. For example, they could suggest that they believe you are fit to practise on a limited basis under certain restrictions, or they might recommend that you are not currently fit to practise at all.

Whatever recommendations an expert makes, the decisions at the hearing will be a matter for the medical practitioners tribunal. If the medical practitioners tribunal does not accept an expert's opinion it must explain its reasons.

Witness statements

Any person who is called by you or the GMC to give factual evidence to the medical practitioners tribunal must first provide a witness statement. A witness must take an oath or affirmation, and answer questions from the GMC's representative, you or your representative, or the medical practitioners tribunal. If you choose to give evidence at your hearing, you'll become a witness and must provide a witness statement in advance.

A witness statement sets out a witness' recollection of the events in question, and attaches any documents the witness refers to. You should bear in mind that a witness's written statement (and your written statement) will normally stand as evidence-in-chief. This means that there will be no need for the witness to give oral evidence except in response to cross-examination, re-examination and questions from the medical practitioners tribunal.

Content and format of witness statements

Information about how to prepare witness statements is available in our [witness statement guidance](#), which also includes a template to use.

It is important that the statement is in the witness' own words, and is signed with a statement of truth, as shown in the template. You must not tell a witness what you want them to say or put words in their mouth.

Witness statements need to be clear and logical. It can often be helpful to set out information chronologically, or to use side headings to separate out different issues. When preparing your witness statement, you may also find it useful to refer back to the allegations you face, and address each paragraph in turn.

Support for witnesses

If you are going to have witnesses attend the hearing to give evidence on your behalf, you may wish to direct them to the Witness Service, which offers free, independent and confidential support for all witnesses giving evidence to hearings – both for the doctor and for the GMC. It is run by the charity Victim Support on behalf of, but independent of, the GMC.

Further information for witnesses, including contact details for the Witness Support Service is available in our [Witness guide to hearings](#).

Testimonial evidence

During the later stages of the hearing, you may wish to provide the medical practitioners tribunal with evidence to support your character. You can provide testimonials from fellow doctors or other healthcare professionals and patients, and you can call character witnesses to give evidence in person. These witnesses may be questioned by you, the GMC's representative and the medical practitioners tribunal.

It is important to arrange any testimonial evidence before the hearing, usually through asking your testimonial witnesses to provide a letter of support. The GMC will take steps to verify any testimonial evidence, using the process set out in its [published guidance](#). You should consider this guidance carefully, and make sure that your character witnesses are on standby to come to the hearing if necessary.

Preparing for cross-examination

Cross-examining GMC witnesses

At a hearing you can question witnesses called by the GMC. This is usually referred to as cross-examination. It is important to think in advance about the questions you have for the GMC's witnesses.

Where the complaint against you is sexual in nature and the witness is the alleged victim, you are not allowed to cross-examine the witness yourself. Instead, the MPTS will arrange for a barrister to attend the hearing to ask questions of that witness on your behalf.

When preparing your cross-examination, you may find it useful to consider the following points.

- Ask questions in a logical order.
 - You will find it useful to have previously written down a list of questions that you want to ask the witness.
 - Use a logical order, such as chronologically or in the order of the charges set out in the allegation.
 - Consider whether you want to ask closed questions, (those that can be answered with a single word, or short phrase) or open questions (such as 'How did...' or 'Can you tell me...'), which will generate a long answer.
- Ask one question at a time. It can be difficult for a witness to answer all parts of a multiple question and therefore you may only get an answer to part of it.
- Ask about inconsistencies, as a witness may have said something different at the hearing to what was set out in their witness statement.
- Don't argue with the witness.
- Although you are generally allowed to ask a witness questions which are relevant to the case, if you ask questions which are inappropriate or about irrelevant matters, then the medical practitioners tribunal or the GMC representative may ask you to stop and move on to another question.

Will I be cross-examined?

If you decide to give evidence at your hearing you will be cross examined by the GMC's representative and the medical practitioners tribunal will ask you questions. You should try to be familiar with your witness statement or any other documents you have given to the GMC and medical practitioners tribunal to consider on your behalf.

It is important to:

- listen carefully to the questions that you are being asked. Do not talk about matters which do not relate to the question
- take your time and give clear, considered answers
- if you do not remember something, say so
- do not argue with the person questioning you
- if a point of law is brought up that you do not understand, ask for an explanation.

If you'd like to provide feedback on *Resource for doctors: medical practitioners tribunals* please go to: www.smartsurvey.co.uk/s/ResourceforDoctors_MPT_Part6/

Part 7: During your medical practitioners tribunal hearing – starting the hearing

Key points

- If you are attending your hearing, arrive at the MPTS hearing centre in good time to avoid delays.
- You will be given the opportunity to present your case to the medical practitioners tribunal and will receive a written decision regarding the outcome.
- If you believe your hearing cannot proceed for some reason, you can apply to the medical practitioners tribunal for an adjournment. If the adjournment is refused, then you and the GMC will be expected to continue with the hearing as planned.

Arriving for your hearing

On the day of your hearing, you should aim to arrive at the MPTS hearing centre at least half an hour before your hearing is due to start.

[Find out how to get to our hearing centre.](#)

Please report to the MPTS reception desk on the 7th floor of St James's Building, where you will be greeted by MPTS staff. You will then be signed in and provided with a security pass which will allow you to get through security doors.

An MPTS staff member will then escort you to where your hearing will be taking place and you will be shown your private waiting room – this waiting room will be available for your use only for the whole of your hearing. There are free hot drinks and water situated on the corridors, and free public Wi-Fi is also available. If you are unable to access any of these facilities, please contact a MPTS staff member for assistance.

If you'd find it useful, you may be able to visit an empty hearing room, if one is available, to look at the layout before your hearing starts. Please speak to a MPTS tribunal assistant if you would like to do this.

Before your hearing starts

A MPTS tribunal assistant will provide you with updates on when the medical practitioners tribunal will be ready to start your hearing.

If you are self-represented, the MPTS tribunal assistant will also ask if you would like any pastoral support during the day from the MPTS doctor contact service. This service is provided by a member of MPTS staff unconnected to your hearing, to help lessen any isolation and stress, signpost useful support materials and services and provide information about the hearing process. The MPTS staff member will be able to go into the hearing with you, but will not be able to help you prepare for your hearing or advise on the proceedings.

Where possible, the GMC's legal representative may also introduce themselves to you or your representative before the hearing.

Hearing timetable

The medical practitioners tribunal chair is responsible for the timetable, but the day will usually start at 9.30 am and will finish around 5 pm. There is a lunch break of about an hour, usually sometime between 12 pm and 2 pm, and a 15-minute break mid-morning and mid-afternoon.

If you need a break for whatever reason at any time in connection with the case – for example, to write up your arguments – please ask for permission from the medical practitioners tribunal chair.

If a hearing lasts for more than one day, then it will adjourn at the end of each day and start again on the following morning. The medical practitioners tribunal may also adjourn for longer periods if further evidence needs to be obtained or if a witness is ill. Information about applying for adjournment is provided separately below.

In the hearing room

At the beginning of the hearing, the medical practitioners tribunal chair will introduce the tribunal members.

Preliminary legal arguments

Before the medical practitioners tribunal begins to consider the allegations, preliminary legal arguments will be dealt with, if there are any. See [Part 5](#) for more information about preparing for preliminary legal arguments. If either party is applying for the hearing to be adjourned, this will also be considered at this time.

Before deciding how to proceed, the medical practitioners tribunal will usually hear submissions from both parties. The legally qualified chair or the legal assessor will then give advice to the medical practitioners tribunal in public. The medical practitioners tribunal will then retire in camera to reach its decision before issuing its

determination, which will usually be read out or handed down in public and made available to both parties.

Confirming your details

If you are present, the chair will ask you to confirm your name and GMC number.

The hearing can take place without you or your representative, in which case the chair will ask the GMC's representative to confirm your name and GMC number. This may occur only when the medical practitioners tribunal is satisfied that all reasonable efforts have been made to give you notice of the hearing, and has taken into account all the factors relevant to your case. Otherwise, the hearing could be adjourned to a later date.

After your details have been confirmed, the chair will ask the GMC's representative whether they wish to change any details about the allegation. This may be, for example, to correct any spelling mistakes or to amend parts of the allegation if they do not accurately reflect the concerns in the case. If the GMC's representative does propose an amendment, you will be given opportunity to comment on this. The medical practitioners tribunal will then hear any legal advice from the legally qualified chair/legal assessor and then retire in camera to make its decision.

Admitting to the facts

The chair will ask you if you wish to admit any of the alleged facts. You may have informed the GMC and MPTS about your admissions at an earlier stage, but the medical practitioners tribunal will ask you to confirm admissions. The chair will formally announce that any admitted facts are 'admitted and found proved'. Further information about making admissions is available in [Part 5](#).

If all the facts are admitted and found proved, the medical practitioners tribunal will then move on to consider whether, on the basis of the facts found proved, your fitness to practise is impaired (stage two). Further information about this stage is available at [Part 9](#).

Disputing the facts

Where facts remain in dispute, the case will move to stage one. Further information about this stage is available at [Part 8](#).

Adjourning your hearing

Both you and the GMC can apply to have your hearing adjourned. An adjournment application can be made to the medical practitioners tribunal in person for the

hearing to be temporarily stopped for a period of time (for example, 30 minutes or more) or adjourned to another day. The medical practitioners tribunal can also decide to adjourn the hearing if it feels it appropriate to do so.

You can apply to adjourn the hearing at any stage once it has begun, as set out in Rule 29(2). Before deciding whether to adjourn, the medical practitioners tribunal will hear submissions from you and the GMC about the application. If you are requesting an adjournment you should be prepared to explain why an adjournment is necessary and the length of adjournment required.

The legally qualified chair or the legal assessor (as applicable) may advise on any issues of law or procedure that the medical practitioners tribunal must consider in making its decision. If the legally qualified chair or legal assessor gives advice before the medical practitioners tribunal begins deciding the application, you and the GMC will hear it and be able to respond.

The medical practitioners tribunal will then consider the application and make a decision in private session. It will then announce its decision to the parties.

If an application for an adjournment is refused, you and the GMC will be expected to be ready to continue with the hearing. If the medical practitioners tribunal accepts the application, or if it decides on its own motion to adjourn, the hearing will be adjourned for an agreed period or to a date to be fixed by us.

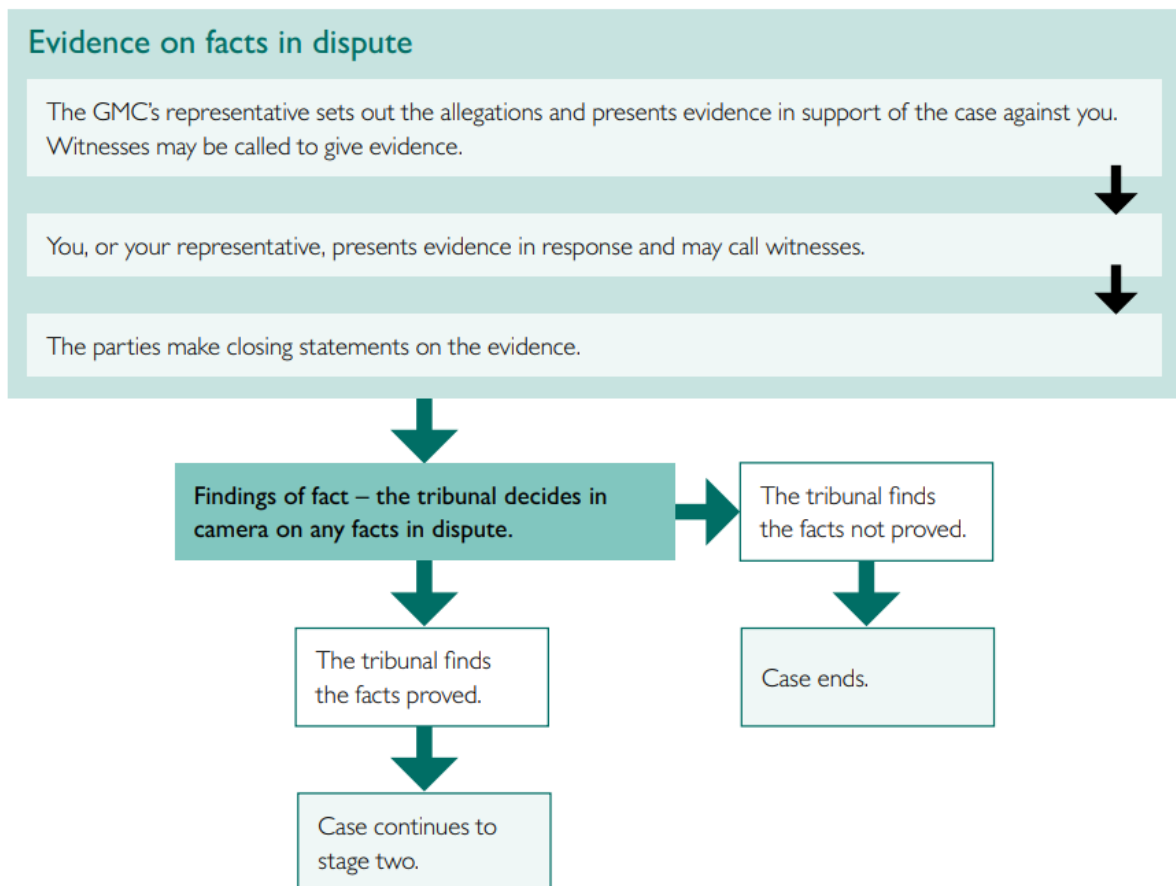
If you'd like to provide feedback on *Resource for doctors: medical practitioners tribunals* please go to: www.smartsurvey.co.uk/s/ResourceforDoctors_MPT_Part7/

Part 8: During your medical practitioners tribunal hearing – facts stage

Key points

- This stage focuses on any facts that are in dispute.
- Both you and the GMC will have the opportunity to call witnesses and make submissions.

Overview of the facts stage



Summary

- When stage one begins, you may already have admitted some of the facts. But this stage focuses on any facts that are still in dispute. The burden of proof lies with the GMC – this means that the GMC, which makes the allegation, has to prove that the facts supporting the allegation are true to the satisfaction of the medical practitioners tribunal. You do not have to prove anything.
- The medical practitioners tribunal will decide that a fact is proved if it is more likely than not to have happened – this is the civil standard of proof. Witnesses may be questioned by the GMC’s representative, by you or your representative, and by the medical practitioners tribunal.
- The GMC, which makes the allegation, presents its evidence first. This will include making an opening submission, calling witnesses and asking them questions. You (or your representative) have the right to ask each witness questions. The medical practitioners tribunal and the GMC’s representative may also ask further questions.
- When the GMC’s representative has finished presenting their evidence, you or your representative will be able to make a submission on whether sufficient evidence has been presented to prove the facts if you wish to do so. You or your representative will also be able to present evidence and call witnesses.
- You and the GMC can make closing submissions once all the evidence has been put before the medical practitioners tribunal. This is an opportunity to summarise your case on the basis of the evidence and documents that have been presented. Generally, this is done orally but sometimes the medical practitioners tribunal will ask for submissions, or a summary of submissions, to be given in writing.
- The legally qualified chair/legal assessor may then advise the medical practitioners tribunal before they retire in camera to make their decision about whether or not the facts are proved.
- The medical practitioners tribunal will invite both you and the GMC representative to come back into the hearing room where it will announce its finding. A written copy will also be provided. The medical practitioners tribunal’s determination will provide its explanation as to why a particular fact was found proved or not, so you should take some time to read and understand it.

Next steps

Some or all facts found proved

If any facts are found proved, then the medical practitioners tribunal will go on to consider if your fitness to practise is impaired (Stage 2 of the hearing process). Further information about this stage is available at [Part 9](#).

No facts found proved

If no facts in the allegation are found proved, that will be the end of the hearing.

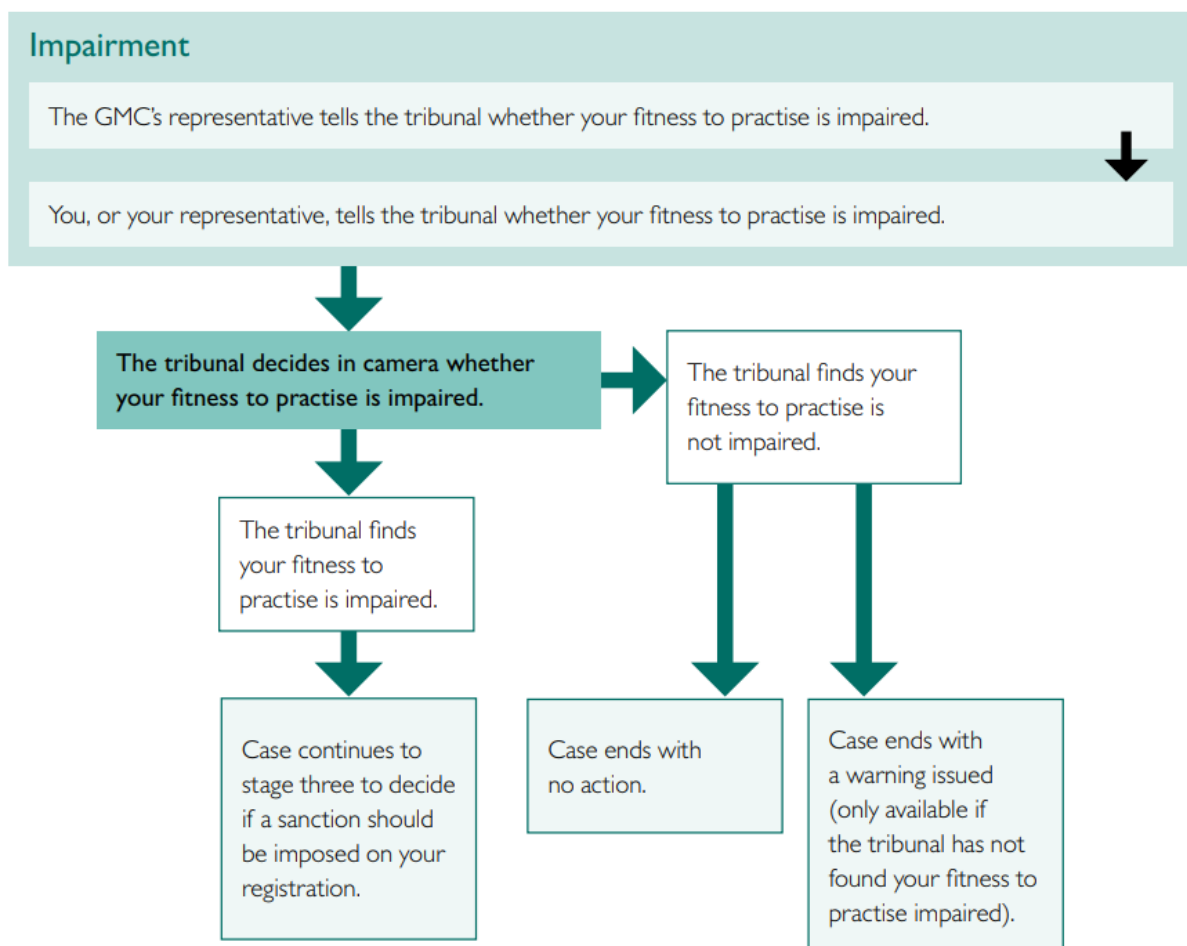
If you'd like to provide feedback on *Resource for doctors: medical practitioners tribunals* please go to: www.smartsurvey.co.uk/s/ResourceforDoctors_MPT_Part8/

Part 9: During your medical practitioners tribunal hearing – impairment stage

Key points

- This stage focuses on whether your fitness to practise is impaired due to the allegations found proved at the facts stage. Neither you nor the GMC can argue about whether the facts have been proved at this stage.
- Both you and the GMC will have the opportunity to call witnesses and make submissions.

Overview of the impairment stage



Summary

- This stage is about whether the facts that have been proved show that your fitness to practise is impaired. This is for the medical practitioners tribunal to decide, exercising their judgement and applying relevant case law.
- Both the GMC's representative and you or your representative will be able to address the medical practitioners tribunal about whether your fitness to practise is impaired.
- In relevant cases, both parties can present additional evidence relating specifically to impairment. For example, you may wish to present evidence to the medical practitioners tribunal about the insight you have into the concerns into your fitness to practise, and any steps you have taken to address those concerns. If you have obtained evidence from testimonial witnesses, this may also be relevant at this stage.
- The legally qualified chair/legal assessor may then advise the medical practitioners tribunal before they retire in camera to make their decision about whether or not your fitness to practise is impaired.
- Both you and the GMC representative will be invited back into the hearing room when the medical practitioners tribunal has made its decision. A written copy of the decision will be provided with reasons for the medical practitioners tribunal's outcome.

Next steps

Medical practitioners tribunal finds your fitness to practise is impaired

If the medical practitioners tribunal decides that your fitness to practise is impaired, it will go on to consider if any sanction should be imposed (Stage 3 of the hearing process). Further information about this stage is available at [Part 10](#).

Medical practitioners tribunal finds that your fitness to practise is not impaired

If the medical practitioners tribunal finds that your fitness to practise is not impaired, it may ask both parties whether they think you should be given a warning. The medical practitioners tribunal will apply the GMC's [Guidance on warnings](#) when making their decision.

The medical practitioners tribunal may give a warning where a doctor's fitness to practise is not impaired but where there has been a significant departure from the

guidance set out in the GMC's guidance for doctors, [Good medical practice](#). The medical practitioners tribunal may also give a doctor a warning if they have significant cause for concern about some part of a doctor's practice, but a restriction on the doctor's registration is not necessary.

Warnings issued after 26 February 2018 are published against a doctor's entry in the medical register for two years. After that, only a doctor's employer can find out about the warning by asking the GMC.

- Both the GMC's representative and you or your representative will be able to address the medical practitioners tribunal about whether a warning should be given.
- The legally qualified chair/legal assessor may then advise the medical practitioners tribunal before they retire in camera to make their decision about whether or not to give a warning.
- Both you and the GMC representative will be invited back into the hearing room when the medical practitioners tribunal has made its decision. A written copy of the decision will be provided with reasons for the medical practitioners tribunal's outcome.

After the medical practitioners tribunal announce their decision on a warning, that will be the end of the hearing.

If you'd like to provide feedback on *Resource for doctors: medical practitioners tribunals* please go to: www.smartsurvey.co.uk/s/ResourceforDoctors_MPT_Part9/

Part 10: During your medical practitioners tribunal hearing – sanction stage

Key points

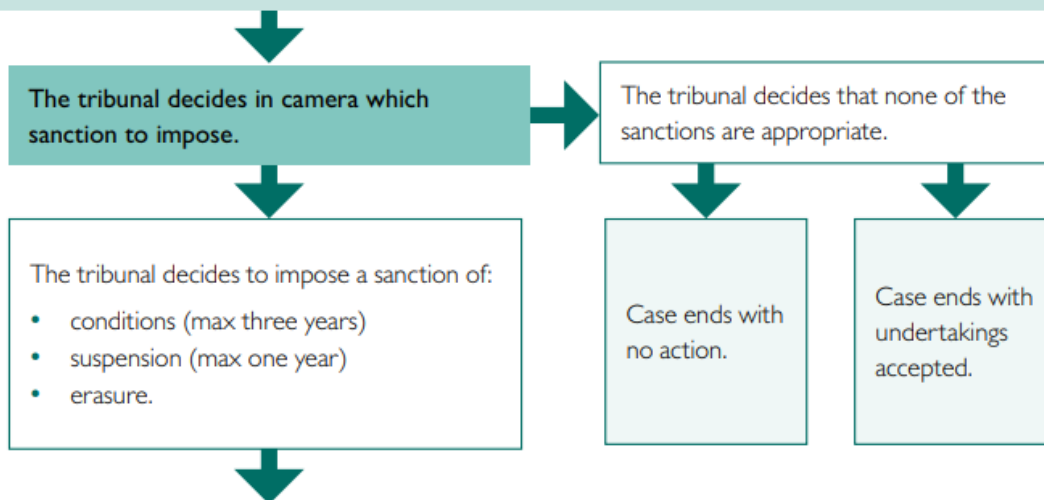
- This stage focuses on whether the medical practitioners tribunal should impose a sanction on your registration.
- Both you and the GMC will have the opportunity to call witnesses and make submissions.

Overview of the sanction stage

Previous history, mitigation and sanction

The GMC's representative tells the tribunal what sanction they think is appropriate.

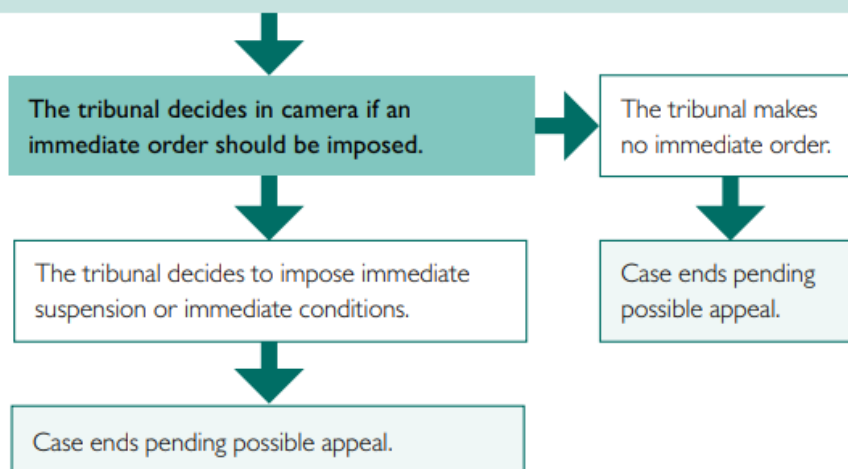
You, or your representative, comment on the proposed sanctions and present evidence to support your character and mitigate the possible sanctions. You may also offer undertakings. These must be agreed between you and the GMC before they can be considered by the tribunal.



Immediate orders

The GMC's representative tells the tribunal whether they think the sanction should be imposed immediately.

You, or your representative, tell the tribunal why the sanction does not need to be imposed immediately.



Purpose of sanctions

The medical practitioners tribunal's decision is not intended to be punitive, but it may have a punitive effect. The main reason for imposing sanctions is to protect the public, which includes:

- protecting, promoting and maintaining the health, safety and wellbeing of the public
- maintaining public confidence in the profession
- promoting and maintaining proper professional standards and conduct for the members of the profession.

Sanctions guidance

The medical practitioners tribunal will carefully apply our [Sanctions guidance](#) when deciding on the appropriate outcome. The *Sanctions guidance* outlines the factors that should be considered when deciding what sanction to impose.

Possible outcomes

The medical practitioners tribunal can:

- end the case with no change to your registration
- accept undertakings
- impose a sanction on your registration of:
 - specified conditions for up to three years
 - suspension for up to one year
 - erasure of your name from the medical register.

The medical practitioners tribunal cannot erase your name from the medical register if your case relates only to your health or your knowledge of English.

Summary

- This stage is about whether the medical practitioners tribunal should impose a sanction on your registration. This is for the medical practitioners tribunal to decide, exercising their judgement and applying relevant guidance and case law.

- The GMC's representative will tell the medical practitioners tribunal the sanction they think is appropriate. This recommendation will be based on the *Sanctions guidance*.
- You or your representative will make a submission to the medical practitioners tribunal setting out your views on the appropriate sanction, as well as providing any further character or mitigation evidence. When considering your submissions, you may find it helpful to consider the following.
 - You can offer to voluntarily restrict your practice, which is known as an undertaking, for the medical practitioners tribunal to consider as an alternative to imposing a sanction. Undertakings can be presented for the medical practitioners tribunal's consideration only if they have been agreed between you and the GMC. If you wish to suggest written undertakings, you should refer to [Agreeing a doctor's undertakings](#), which lists the kind of restrictions that the medical practitioners tribunal may agree to, and our guidance document on undertakings, [Undertakings at medical practitioners tribunal hearings](#).
 - If the medical practitioners tribunal imposes conditions on your registration to set out the limits within which you may practise, they will consider the guidance [Imposing conditions on a doctor's registration](#). This document sets out the wording the medical practitioners tribunal should use when imposing conditions.
- The legally qualified chair/legal assessor may then advise the medical practitioners tribunal before they retire in camera to make their decision about whether or not to impose a sanction.
- Both you and the GMC representative will be invited back into the hearing room when the medical practitioners tribunal has made its decision. A written copy of the decision will be provided with reasons for the medical practitioners tribunal's outcome.

Any sanction cannot take effect until 28 days after notice is deemed to have been served on you. If the medical practitioners tribunal believes it is necessary to protect patients, it can impose an immediate order of conditions or suspension. If you are at the hearing, or you have a legal representative present, this will take effect from when it is announced. If you are not at the hearing, it will be from when notification of the hearing outcome is deemed to have been served on you.

Next steps

Medical practitioners tribunal decides not to take no action

If the medical practitioners tribunal decides to take no action, that will be the end of the hearing.

Medical practitioners tribunal decides to impose a sanction of conditions, suspension or erasure

Any sanction cannot take effect until 28 days after notice is deemed to have been served on you. If the medical practitioners tribunal decides to impose a sanction, the medical practitioners tribunal will then consider whether it is necessary to protect patients by imposing an immediate order of either conditions or suspension.

- Both the GMC's representative and you or your representative will be able to address the medical practitioners tribunal about whether an immediate order should be made.
- The legally qualified chair/legal assessor may then advise the medical practitioners tribunal before they retire in camera to make their decision about whether an immediate order should be made.
- Both you and the GMC representative will be invited back into the hearing room when the medical practitioners tribunal has made its decision. A written copy of the decision will be provided with reasons for the medical practitioners tribunal's outcome.

After the medical practitioners tribunal announce their decision on an immediate order, that will be the end of the hearing.

If you are in attendance at the hearing, any immediate order made will take effect from when it is announced. If you are not present, any immediate order made will take effect from when notification of the hearing outcome is deemed to have taken place. If you appeal the sanction, the immediate order will remain in place until the appeal concludes or is withdrawn.

If you'd like to provide feedback on *Resource for doctors: medical practitioners tribunals* please go to: www.smartsurvey.co.uk/s/ResourceforDoctors_MPT_Part10/

Part 11: Adverse inferences, refusals to admit of evidence and costs awards

Key points

- Before reading this Part, we strongly recommend reading [Part 3](#) regarding our case management procedure.
- There can be consequences for you or the GMC for failure to comply with the [Rules](#) or case management directions.

Potential consequences for failure to comply

If you or the GMC do not comply with the Rules or case management directions, the medical practitioners tribunal can take the following actions:

- draw an adverse inference
- refuse to admit evidence
- award costs.

Adverse inferences and refusals to admit evidence

What does adverse inference mean?

To draw an adverse inference means that the medical practitioners tribunal may draw a negative conclusion from a party's failure to comply with a Rule or case management direction.

What does refusal to admit evidence mean?

A refusal to admit evidence means that the medical practitioners tribunal may refuse to receive evidence (eg witness statements, expert reports or other documents) where the party wishing to rely on that evidence has failed to comply with a rule or direction (see below).

When can a medical practitioners tribunal draw adverse inferences or refuse to admit evidence?

In certain rare circumstances, a medical practitioners tribunal can under Rule 16(A) draw an adverse inference or refuse to admit evidence that you or the GMC want to rely on.

When might an adverse inference be drawn?

An adverse inference can be drawn against a party who has failed to comply with a Rule or case management direction by not giving evidence (for example, witness statements, expert reports or other documents). The medical practitioners tribunal will consider:

- whether the failure to provide evidence has left the medical practitioners tribunal unable to assess the quality of that evidence or determine what it means in the context of the case as a whole
- whether the failure to provide evidence was ill-motivated or made in bad faith, or whether there is another reasonable explanation for the failure.

Where those criteria are met, the medical practitioners tribunal may draw an adverse inference if it is appropriate in all of the circumstances of the case. Two examples of what might cause the medical practitioners tribunal to draw an adverse inference and, in italics, what the adverse inference might be, are as follows.

- If you fail to produce evidence in accordance with a Rule or a case management direction, without reasonable excuse, the medical practitioners tribunal may conclude that the evidence *was not produced because it would be unfavourable to you.*
- If the GMC fails to comply with a direction to produce evidence by a certain date, but then gives this evidence at a later date and, in the absence of an adequate explanation, the evidence appears to have been altered, the medical practitioners tribunal *may conclude that the evidence, before alteration, was unfavourable to the GMC.*

When might a medical practitioners tribunal refuse to admit evidence?

A medical practitioners tribunal can refuse to allow a party to rely on evidence where that party has failed to comply with a relevant Rule or case management direction relating to the production of that evidence. For example, if you or the GMC deliberately fail to disclose a witness statement by a relevant deadline without good reason, the medical practitioners tribunal can refuse to admit the evidence.

The medical practitioners tribunal will refuse to admit evidence only where absolutely necessary. Factors that the medical practitioners tribunal may consider when deciding on the admissibility of evidence will include:

- when the evidence was obtained
- the relevance of the evidence to the issues in the case
- any reasonable excuse given for the failure to produce the evidence in accordance with the Rule or case management direction
- whether there is any other mechanism, other than excluding the evidence, that would allow the hearing to proceed fairly.

How do I apply for the medical practitioners tribunal to draw an adverse inference or refuse to admit evidence?

If you wish to apply for the medical practitioners tribunal to draw an adverse inference or refuse to admit evidence, you should inform the medical practitioners tribunal at the earliest opportunity. When you receive notification of an application, the medical practitioners tribunal will arrange time during the hearing for the matter to be addressed. You will be able to explain why you think the medical practitioners tribunal should draw an adverse inference or refuse to admit evidence. The GMC will then have an opportunity to respond. After careful consideration of the arguments, the medical practitioners tribunal will announce its decision and give full reasons for it.

Costs awards

What is a costs award?

A costs award is an order made by a medical practitioners tribunal that one party (either you or the GMC) must pay some of the other party's costs. The party awarded costs is called the receiving party. The party ordered to pay costs is called the paying party. The medical practitioners tribunal may consider making a costs award either if one party makes an application for costs, or of its own initiative.

If the medical practitioners tribunal decides that a costs award should be made, the amount of costs payable will be assessed by a legally qualified case manager once the hearing has concluded.

When can a costs award be made?

The medical practitioners tribunal's decision on costs is separate from its decision on the fitness to practise proceedings. This means that even if the medical practitioners tribunal finds that your fitness to practise is not impaired, the GMC could still make an application for costs against you. Equally, you can still make an application for costs, even if your fitness to practise is found impaired.

A costs award can only be made against a party if:

- they have failed to comply with a relevant rule or a direction **and**
- they have behaved unreasonably (see below).

If a costs award is made, the receiving party can only claim the amount that has been lost through time or money wasted because of the other party's failure to comply. You may be able to claim costs, but you cannot claim back all of your costs and nor can the GMC – please see the [Schedule of Costs template](#). It is expected that costs awards will be made infrequently.

What does unreasonable behaviour mean?

Unreasonable conduct describes behaviour that has no reasonable justification. It is not possible to give a finite list of what would be considered unreasonable conduct, as every case is different. But some examples include:

- improper treatment of witnesses (for example by being unnecessarily rude or aggressive)
- being deliberately dishonest
- purposefully being obstructive and obscuring the real issues in the case.

Unreasonable conduct could take place during the preparation for the hearing, or during the hearing itself. A failure to comply with a relevant Rule or with a case management direction may itself amount to unreasonable conduct (eg if you or the GMC has an expert report to be used in the hearing, but fails, without reasonable excuse, to disclose the report until the last moment).

How do I apply for a costs award?

You should only apply for a costs award if the GMC has failed to comply with a Rule or case management direction and you consider that the GMC has acted unreasonably. If this behaviour occurs before the start of the hearing, you should immediately tell us that you intend to make an application for costs. If the hearing has started, you should inform the medical practitioners tribunal at the earliest

opportunity. This is important because time needs to be set aside for the costs application to be heard.

On receiving notification of a costs application, or if the medical practitioners tribunal itself decides that a costs award consideration should take place, the medical practitioners tribunal will remind parties of the steps they need to take to prepare for the costs application.

Parties should inform the medical practitioners tribunal of their intention to make a costs application without delay – the costs application itself will not be heard until the end of the hearing. You and the GMC will be able to submit evidence and make submissions on the matter of whether a costs award should be made.

If the medical practitioners tribunal decides that a costs award should be made against you or the GMC, it will announce its decision and provide written reasons. The amount of costs payable by the paying party will be assessed by a legally qualified case manager, once the hearing has concluded.

How will the case manager calculate the costs payable?

The case manager will need further information from the parties to calculate the costs that should be paid. The receiving party must prepare a [schedule of costs](#), which they should give to the case manager and the paying party within 28 days of the end of the hearing. The schedule of costs must be supported by evidence, where indicated.

The paying party will then have 28 days from receipt of the schedule of costs to serve their written response and evidence of their ability to pay. An [ability to pay self-assessment](#) should be prepared and submitted, and must be supported by evidence where indicated.

If either party is unable to comply with the 28-day timeframe, they can ask for an extension of time. However, the case manager will only allow extra time if there is a good reason for the request. You should assume that you will only have 28 days to submit your schedule or response, with the relevant evidence, and make preparations accordingly.

What is included in a schedule of costs?

The case manager will only allow claims in respect of costs that have been incurred or wasted as a result of the paying party's failure to comply with a relevant Rule or case management direction. If a cost would have been incurred in any event, the claim for that particular cost will not be allowed. Only reasonably incurred costs will

be recoverable and the amount awarded is subject to an overall cap. You can find further information in [Guidance for case managers on the assessment of costs](#).

How long will the paying party have to make the payment?

Costs will usually be payable 14 days after the date of the assessment of costs, unless the case manager specifies a different period.

What happens to the costs assessment if an appeal has been lodged?

Where a party seeks to appeal the outcome of a medical practitioners tribunal hearing, the case manager will usually assess the costs to be paid in accordance with the usual timetable. In exceptional circumstances, the case manager may decide to postpone the costs assessment until the outcome of the appeal is known.

If you'd like to provide feedback on *Resource for doctors: medical practitioners tribunals* please go to: www.smartsurvey.co.uk/s/ResourceforDoctors_MPT_Part11/

Part 12: After your medical practitioners tribunal hearing

Key points

- We publish information about hearings to be open and transparent and to comply with legal requirements. Any information that relates solely to a doctor's health will not be published.
- If you gained your primary medical qualification outside of the UK, the GMC will contact the medical regulator of that country and inform them of your hearing outcome
- The outcome of the medical practitioners tribunal hearing may be appealed by you or by the GMC
- If your registration is made subject to an order of conditions or suspension, your case may be reviewed by the medical practitioners tribunal towards end of the sanction period

Notification of the hearing outcome

At the end of the hearing, the chair will read out the medical practitioners tribunal's decision and the tribunal clerk will give you a written copy. If the medical practitioners tribunal has decided to suspend your registration or to erase your name from the medical register, you may be asked to sign to confirm that you have received the copy.

If you chose not come to the hearing, we'll send you written confirmation of the outcome immediately after the hearing by registered post, and by email if you gave us or the GMC an email address to use in relation to fitness to practise matters

Publishing decisions

We have a statutory duty to publish a range of decisions including those made by the medical practitioners tribunal. We also have a discretionary power to withhold any information concerning the physical or mental health of a person which is considered to be confidential.

Overseas regulators

The GMC has a commitment to exchange information between medical regulators. Therefore, if you gained your primary medical qualification outside the UK, or your registered address is outside the UK, the GMC will contact the medical regulator in that country at the end of your hearing, if the medical practitioners tribunal directs that conditions be imposed on your registration or that your registration be suspended.

European alerts mechanism

The GMC is legally required to inform European medical regulators about restrictions or prohibitions on a doctor's registration, including doctors who have undertakings or conditions that affect their practice, or have been suspended. The GMC will send this information within three days of the hearing. You have the right to:

- appeal against the decision to send this information
- apply for inaccurate information to be corrected
- seek remedies for damage caused by an incorrect alert.

If you have any questions about this, you should email imialerts@gmc-uk.org.

The GMC may also give further information about the case in response to specific requests from a European regulator. If further information is disclosed, you will be informed of this.

Making an appeal against the decision

Your right of appeal

The statutory period to lodge an appeal is 28 days. You can appeal – to the High Court in England and Wales, to the Court of Session in Scotland, or to the High Court of Justice in Northern Ireland – against any medical practitioners tribunal decision that restricts or removes your registration. The written notification of the hearing outcome will include details of the appeal process.

If you received and signed for a notification at the hearing, the 28 days run from the date of the medical practitioners tribunal's decision. If this did not happen, the 28 days will run from the day on which, as set out in the Act, notification was deemed to have been served on you, by post or email.

If you appeal, any immediate order will take effect, but the sanction won't come into effect until the appeal ends or is withdrawn.

MPTS staff cannot advise you in relation to appealing a medical practitioners tribunal decision. You may wish to seek legal advice to assist you – see [Part 2](#) for details of organisations which may be able to assist.

Other appeals

The GMC has the power to appeal if it considers that the hearing outcome is not sufficient for the protection of the public, the GMC's overarching objective. Any appeal must be made within 28 days of notification of the decision. If the GMC decide to lodge an appeal, you will be served notice directly by the GMC.

The [Professional Standards Authority](#) may also refer decisions to court that they think are not sufficient for the protection of the public. The PSA will notify you if they make a referral decision, which must be made within 56 days of the medical practitioners tribunal decision. Further information about the PSA is available on their website or by telephone on 020 7389 8030.

Review hearings

If the medical practitioners tribunal imposes conditions on or suspends your registration, it may also direct that your case should be reviewed by the medical practitioners tribunal before the expiry of the sanction. At the review hearing, the medical practitioners tribunal will consider whether your fitness to practise is still impaired, and any further action that needs to be taken against your registration, if any.

You will receive separate correspondence from the MPTS and the GMC about when your review hearing will be held, and the steps you need to take to prepare.

Review on the papers

Your case can also be reviewed 'on the papers'. This means a review would take place without attendance at a hearing by you or the GMC. All cases that are due for a review will be considered, but a review on the papers won't always be possible.

Further detailed guidance about reviews on the papers, including the steps you need to take, can be found in our [Guidance on reviews on the papers](#).

If you'd like to provide feedback on *Resource for doctors: medical practitioners tribunals* please go to: www.smartsurvey.co.uk/s/ResourceforDoctors_MPT_Part12/