

MPTS Covid-19 Recovery: Deciding how to hold hearings from August 2020

1. From 3 August we will be reopening the MPTS hearing centre at St James' Buildings, Manchester (referred to below as 'SJB') to allow us to hold a limited number of hearings. We will also continue to hold some virtual hearings.
2. This document sets out the factors that will be taken into account when deciding whether a hearing will be held at SJB or as a virtual hearing. For the avoidance of doubt:
 - a. Virtual hearings will involve all participants (including doctors, legal representatives, witnesses and tribunal members) attending the hearing remotely;
 - b. SJB hearings will involve some or all participants attending the hearing at SJB. In some instances, some participants may need to participate remotely while others attend at SJB, depending on their individual circumstances.
3. Our priority is to ensure that we carry out our statutory duty to protect the public by holding hearings where it is fair and safe to do so. We will carefully consider representations submitted by doctors and legal representatives via our listing and case management process. We will also keep the information within this document under review to ensure it reflects the latest advice from UK government and Public Health England.
4. The following factors will be considered when deciding whether to hold a hearing virtually or at SJB:
 - a. The needs of vulnerable witnesses. Each case will be different, depending on the nature of the vulnerability and the practicalities of implementing any special measures required.
 - b. The needs of non-vulnerable witnesses and other participants arising from a disability or from circumstances related to the Covid-19 pandemic. For

- example, where a participant is required by UK government advice to take shielding measures due to their age, certain medical conditions or pregnancy, or where participants live in an area where travel restrictions are in place.
- c. The volume or format of evidence to be presented. For example, where the hearing bundle will be extensive, or where physical evidence will be presented, a SJB hearing is more likely to be required.
 5. In the absence of any other factors, we do not consider the following to be relevant considerations:
 - a. number of witnesses
 - b. the nature of the allegation or type of hearing
 - c. extent of press or public interest.
 6. It is the responsibility of the GMC, doctors and their legal representatives to ensure that the MPTS is provided with information about the needs of individual participants, including any requests for reasonable adjustments. Information should be provided at an early stage, so that all reasonable steps can be taken to support participation without delays.
 7. We will inform parties as soon as possible whether their hearing will be a virtual hearing or SJB hearing. Final confirmation will be provided when the MPTS Notice of Hearing is issued.
 8. Where a hearing is part-heard, the MPTS will confirm with parties as soon as possible whether the hearing will reconvene as a virtual hearing or a SJB hearing. It will not always be possible to confirm this immediately upon a hearing adjourning part-heard.
 9. Equally, due to uncertainties arising from the ongoing pandemic, it may on occasion be necessary for a part-heard hearing that commenced as a SJB hearing to reconvene as a virtual hearing (and vice versa). Where this is under consideration, parties will be informed and the factors highlighted at paragraph 4 above will apply.