

Postponing or Further Adjourning Interim Measures Tribunal hearings

Guidance for Decision Makers, Parties and Representatives

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Introduction

1. This guidance is for decision makers, parties and representatives and covers applications to postpone or further adjourn Interim Measures Tribunal (IMT) hearings.
2. References to Rules are to the GMC (Fitness to Practise) (Anaesthesia Associates and Physician Associates) Rules 2024, unless otherwise stated.
3. The aim of this guidance is to promote consistency and transparency in the making and deciding of applications for postponement or further adjournment.
4. If, after considering this guidance, parties or representatives have any queries regarding an application to postpone or further adjourn an IMT hearing, they should contact the Interim Hearings Team at interimhearings@mpts-uk.org.

What are postponement and further adjournment applications?

5. Our starting presumption is that all IMT hearings will proceed as scheduled by the MPTS. However, the Rules allow an MPTS Case Manager to make decisions to postpone or further adjourn IMT hearings if they consider it appropriate to do so. Further information about the different types of applications and decisions is explained below.
6. The Rules also allow the Tribunal (i.e. the IMT) to make decisions to adjourn hearings. Adjournment decisions taken by Tribunals are beyond the scope of this guidance.

Postponements

7. Before an IMT hearing convenes, the parties to the proceedings or the MPTS can apply for the hearing to be postponed. The application will be decided by an MPTS Case Manager. If a postponement is granted, it means that the hearing has been delayed until a later date.
8. The reasons why a postponement application might be made are varied and it is not possible to cover all potential examples here. However, they may include:
 - ▶ The Physician Associate (PA) or Anaesthesia Associate (AA) seeking postponement of an IMT hearing as they wish to attend their hearing but will be on a prebooked flight which cannot be rescheduled
 - ▶ The MPTS applying for postponement of an IMT hearing as a tribunal member has become unavailable due to a medical emergency and no replacement is available during the scheduled hearing date.
9. Rule 37(1) confirms that a Case Manager may postpone a hearing until such a date and time as they consider fit. Under Rule 37(2), parties must be given a reasonable opportunity to provide comments on the issue.

Further adjournment

10. A party may request a further adjournment in a hearing which has already started but has adjourned part heard. The application will be decided by an

MPTS Case Manager. If a further adjournment is granted, it means the hearing will not reconvene as scheduled, but will continue at a later date.

11. The reasons why a further adjournment application might be made are varied and it is not possible to cover all potential examples here. However, they may include:

- ▶ The registrant applying for a further adjournment of an IMT hearing as their representative is required to attend a senior Court and a replacement representative cannot reasonably be found.

Applications concerning IMT hearings

Making an application

12. To make an application, please complete [Form P4](#). The completed application must be sent to: interimhearings@mpts-uk.org.
13. All applications for postponement or further adjournment should be made as soon as possible and must include:
 - ▶ full reasons about why the application has been made and the length of time the postponement or further adjournment is sought for; and
 - ▶ copies of any supporting evidence. For example, this might include independent medical evidence if the application is based on the health of a participant.
14. Once an application has been received by the Interim Hearings Team, the other party will be given reasonable time to respond and provide comments. The time allowed will depend upon the time remaining before the hearing takes place. Such comments should specifically address the application made by the applying party and provide sufficient detail to allow a decision to be taken on the application.
15. When both parties have provided comments, an MPTS Case Manager will consider the application. A written decision will be provided to parties setting out the MPTS Case Manager's decision and reasoning. If a decision needs to be made urgently and there is insufficient time for a written decision to be prepared, parties may be informed of the MPTS Case Manager's overall decision on the application, with written reasons to follow.
16. If an MPTS Case Manager considers that there is insufficient time remaining for the application to be properly considered at all (i.e. due to the lateness of the application), then parties may be informed that the application will instead be considered as an adjournment application by the IMT when the hearing convenes.

Factors to be taken into consideration

17. When considering an application to postpone or further adjourn an IMT hearing, an MPTS Case Manager will take into account the circumstances in the individual case, the submissions made by both parties and the following non-exhaustive list of factors:

- ▶ Whether the hearing can fairly proceed, including the effect any delay may have on the fairness of the proceedings and upon fairness to all parties
- ▶ The need for urgency, including the potential risk to members of the public, the public interest and/or to the registrant's interests, and whether the benefit of granting the application outweighs the effect of a delay upon both the responding party and the public interest in hearings proceeding as soon as is fairly possible
- ▶ The remit of the IMT being to assess the risk of the registrant remaining in unrestricted practice, and not to make findings of fact. This factor will be particularly relevant where a request is based on the need to prepare or to obtain further evidence or the outcome of other proceedings, where the reasonableness of such a request will also be an important factor
- ▶ The ability of the IMT to undertake an early review hearing where new information becomes available after the scheduled IMT hearing
- ▶ Where a request is based on a representative's availability, the complexity of the case and the nature and extent of that representative's prior involvement
- ▶ Where a request is based on a participant's health, whether independent medical evidence has been provided confirming any relevant medical condition and why that condition prevents participation in the hearing
- ▶ In Review hearings, whether granting the application would prevent review of the interim measure in compliance with statutory requirements
- ▶ Any other relevant considerations.

Frequently asked questions

What happens if I don't respond to a postponement or further adjournment application?

18. If a responding party fails to provide a response by the deadline provided, then a MPTS Case Manager may still make a decision on the application. The responding party will be informed of the decision made.

What happens if the application is granted?

19. Where an application is granted, the Interim Hearings Team will contact the parties with arrangements for an alternative hearing date.

What happens if the application is refused?

20. Where an application is refused, the hearing will proceed as scheduled.

How quickly will a decision be made?

21. The MPTS aims to deal with all applications as soon as possible once all relevant information has been received from parties. If a party does not respond within the time specified, the application may be decided in the absence of any response. Failure to follow the guidance set out above (such as failing to provide all required information) will likely result in delay.