

## Holding hearings outside Manchester on an exceptional basis

1. All Medical practitioners tribunal and interim orders tribunal hearings are all listed to be held at the MPTS hearing centre in Manchester.
2. On an exceptional basis, consideration can be given to holding fitness to practise hearings outside Manchester. The circumstances must be truly exceptional, and the onus of demonstrating this will fall on the doctor. A doctor has the right to attend their hearing, and is entitled to be heard. But there is no absolute duty on the MPTS to hold the hearing at a venue convenient for the doctor. Additional inconvenience or cost, caused by a hearing being held in Manchester, rather than elsewhere, is not sufficient to warrant a different location. The location must impose an exceptional burden and/or prejudice for doctors, witnesses and/or representatives well beyond that inherent in disciplinary proceedings.
3. Attendance at a long distance from a clinical practice or family, over a prolonged period, might cause difficulties for doctors or witnesses. However, those with clinical or carer responsibilities would be expected to make suitable alternative arrangements. Normally parties have ample notice of hearings to make these arrangements. It is also considered that distance from home or work, financial hardship, the availability of preferred representatives and/or witnesses and the place where the events under scrutiny took place are not factors that should generally be regarded as justifying exceptional treatment.
4. There may be circumstances where health issues might preclude attendance in Manchester, but attendance at a venue closer to the home of the doctor, witness or representative might be feasible. In these circumstances documented medical evidence of ill health, or risk to health, will be required.
5. It will need to reveal significant current and continuing health problems which would preclude travelling to and staying in Manchester, or make it clinically very undesirable. For example, the doctor may be receiving regular medical treatment (several times weekly) which could not be provided in Manchester. But it will be necessary to understand the arrangements required when the doctor is otherwise away from home overnight for any professional, social or

domestic reason; and why these could not be put in place in Manchester. Typically, several months' notice of hearing dates is given to allow consequential arrangements to be made.

6. Consideration will also be given to the extent to which any difficulties in attending a hearing in Manchester can be resolved or reduced by the use of information technology (for example, video links) for doctors and/or witnesses. Video links are regularly used to facilitate attendance at Medical Practitioners Tribunal hearings. Doctors will be expected to explain why this would be an unsuitable way of dealing with any of the difficulties encountered.
7. Each request for a hearing to take place outside Manchester on an exceptional basis will be decided on its own individual merits by the MPTS. Although the issue may be initially flagged up during a Listings Telephone Conference, it will not be possible for a decision to be made at that time.
8. The doctor will be expected to submit a written request, and supporting documentation, for a hearing to be held outside Manchester on an exceptional basis. The request should be addressed to the MPTS Listings Manager, in the first instance. If a doctor submits a request that their hearing be held outside Manchester, the reasons for the response to that request will be explained in a letter identifying which factors were regarded as exceptional and which were not.
9. The other party in a hearing will be informed of a request for an alternative hearing venue. They will not be invited to comment on the merits, or otherwise, of the application, but can make representations regarding any affect an alternative venue may have on the presentation of their case, e.g. witness availability.
10. If it is agreed to make an exception, the MPTS will be responsible for selecting the exact location of the hearing venue. It will aim, so far as reasonably possible, to minimise inconvenience and disruption. Hearings may be held at suburban sites or in business parks, rather than at central urban locations. In deciding on venue the MPTS will take into consideration the need to make effective and efficient use of resources.
11. The venue will always be within the United Kingdom. Hearings will not be held abroad, even if there are exceptional circumstances justifying a hearing outside Manchester.

*31<sup>st</sup> December 2015*