

# MPTS Committee

Agenda and papers

Meeting:

8 November 2022



# Contents

	Page
Agenda	3
3 - Minutes of the previous meeting held 14 September 2022	4
5 - Executive Manager's report including MPTS Risk register and performance data	9
7 - Adjournments quarterly update	18
8 - Review of the MPTS Committee's work programme for 2023	22
9 - Annual review of the MPTS Committee's effectiveness	27



## **MPTS Committee meeting**

**8 November 2022**

**10:00 - 13:00**

**Virtually via MS Teams**

### **Agenda**

- 1** Welcome and apologies for absence
- 2** Declaration of interests
- 3** Minutes of the previous meeting held 14 September 2022
- 4** Chair's report (oral)
- 5** Executive Manager's report including MPTS Risk register and performance data  
**Break for tea / coffee**
- 6** Report of the MPTS Committee to GMC Council
- 7** Adjournments quarterly update
- 8** Review of the MPTS Committee's work programme for 2023
- 9** Annual review of the MPTS Committee's effectiveness
- 10** Any other business
- 11** Date and time of next meeting: 8 February 2023, 10:00 – 13:00  
(virtually via MS Teams)

Agenda item:	<b>03</b>
Report title:	<b>Minutes of the meeting on 14 September 2022</b>
Considered by:	<b>MPTS Committee</b>
Action:	<b>To approve</b>

### **Members present**

Dame Caroline Swift, Chair  
Gill Edelman  
Joy Hamilton  
Jacky Hayden  
Simon Mackenzie

### **Others present**

Dr Mary Doherty, Founder of Autistic Doctors International & Autistic Med Students (item 2)  
Miriam Bonabana, Equality, Diversity, and Inclusion Manager - GMC (item 2)  
Anna Rowland, Assistant Director - Policy, Business Transformation, and Safeguarding - GMC (item 7)  
Colin Barker, Head of MPTS Communications and Corporate Affairs (item 7)  
Tamarind Ashcroft, Head of Tribunal Development (item 8, item 9, and item 14)  
Samantha Bedford, Head of Case Management (item 10 and item 11)  
Gavin Brown, Executive Manager MPTS  
Nathan Fountain-Tucker, Corporate Governance Officer, and Committee Secretary

## **Welcome and apologies for absence (agenda item 1)**

- 1** The Chair welcomed members of the Committee and attendees to the third meeting of the Committee for 2022.
- 2** Simon Mackenzie was welcomed to the MPTS Committee and his first Committee meeting.
- 3** There were no apologies for absence.

## **Presentation from Dr Mary Doherty, Founder of Autistic Doctors International & Autistic Med Students (agenda item 2)**

- 4** Dr Mary Doherty provided the Committee with a presentation which focused on some of the challenges and barriers that medical students, trainees, and doctors with neuro-diverse conditions might experience in medical education, training, and practice.

## **Declaration of interests (agenda item 3)**

- 5** No interests were declared.
- 6** It was noted that Simon Mackenzie's interests would be published on the MPTS website following the Committee meeting.

## **Minutes of the previous meeting held on 10 May (agenda item 4)**

- 7** The MPTS Committee reviewed, and approved, the minutes of the previous meeting held on 10 May 2022.
- 8** The Chair noted that actions relating to neurodiversity and an equality analysis of the Legally Qualified Chair (LQC) appointment campaign have been covered in the agenda.
- 9** All other actions were completed prior to the 10 May meeting, and no further actions arose from that meeting itself.

## **Chair's report (agenda item 5)**

- 10** The Chair provided an update on key activities and business since the last MPTS Committee meeting.
- 11** In June, along with the Executive Manager, the Chair attended a GMC Council meeting to present the MPTS Committee's Report, including the MPTS's Annual

Report to Parliament. Council praised the MPTS for their work, particularly the operational recovery from the pandemic.

**12** The Chair highlighted their attendance and the topics covered at the following events:

- ▶ Tribunal member training sessions: including induction training for new LQCs and the annual programme of training for existing tribunal members. Annual training included the delivery of three webinars covering insight and remediation, recusal, and other topics. It was also highlighted that face-to-face sessions with tribunal members had begun, concentrating on professional conduct and relationships and their relevance to good decision making.
- ▶ Quality Assurance Group (QAG) meetings: we continue to believe that our tribunals' determinations are generally of a high standard, but we are always looking for ways they can be improved. Areas for consideration at the recent meetings included the need for tribunal members to consider with care whether, and if so which, parts of a hearing should be held in private. Also, the issue of tribunal member recusal, and its impact on a hearing.
- ▶ Observations of MPT and IOT Hearings: an important element of our quality assurance activity is in the observation of tribunal members during hearings, including their private deliberations, which allows us also to reflect on how our processes are working. The Chair noted that they had recently observed five tribunal members, all observations were positive.
- ▶ Policy Forum: several topics were discussed at the June Policy Forum with the GMC Policy Team, including new guidance for tribunal members on those who can represent doctors at hearings, and proposed new guidance for dealing with the joinder of hearings involving multiple referrals for a single doctor or allegations involving multiple doctors. We continue to receive updates from GMC Policy on the proposed regulatory reforms, and we will continue to work with the GMC in our responses to the proposals.
- ▶ Contact with MPTS colleagues: the Chair noted with pleasure their attendance in May, along with MPTS colleagues, to a gathering in celebration of the tenth anniversary of the creation of our tribunal service. The Chair has also been able to resume monthly open catch-up sessions with junior colleagues, enabling shared learning and ideas for change and improvement.

## **Executive Manager's report (agenda item 6)**

**13** The report provides an update on the operational performance of the MPTS.

**14** During the discussion, the MPTS Committee agreed that consideration should be given to:

- ▶ The inclusion of additional performance metrics in the report.

- ▶ Including remote public access to virtual hearings in the opportunities and threats register.
- ▶ Reviewing the rating of residual risk, following mitigation, and the risk appetite of the MPTS at a Committee meeting in 2023.

## **Annual review of the MPTS vision (agenda item 7)**

- 15** Anna Rowland, Assistant Director - Policy, Business Transformation, and Safeguarding - GMC, and Colin Barker, Head of MPTS Communications and Corporate Affairs, presented the annual review of the MPTS vision.
- 16** During the discussion, the MPTS Committee agreed to maintain the current MPTS vision statement for a further twelve months, subject to the views of the new MPTS Chair.

## **Tribunal Members' resourcing updates (agenda item 8)**

- 17** Tamarind Ashcroft, Head of Tribunal Development, updated the Committee on tribunal member resourcing.
- 18** During the discussion, the MPTS Committee noted:
- ▶ An internal audit by BDO, the GMC's auditors, of our QAG process has recently taken place. The audit report will be shared with the Committee when available.
  - ▶ We will ensure that any learning points from the audit are put in place – this includes bringing, for approval, the terms of reference for QAG to the Committee next summer.
- 19** The Committee noted the update and considered the current resourcing position and plans to ensure we continue to be suitably resourced.

## **Update from the Quality Assurance Group (agenda item 9)**

- 20** Tamarind Ashcroft presented an overview of the QAG meetings held in Q1 and Q2 of 2022.
- 21** The Committee noted the update and outputs of the relevant QAG meetings.

## **Adjournments quarterly update (agenda item 10)**

- 22** Samantha Bedford, Head of Case Management, presented the adjournments quarterly update.
- 23** The Committee noted the update which summarised the main themes arising from hearings adjourning in Quarter 2 2022, including identified actions to be taken forward by the MPTS Senior Management Team and other parties.

## **Annual review of case management (agenda item 11)**

- 24** Samantha Bedford presented the annual review of case management.
- 25** The Committee noted the presentation, which summarised the key functions, workload and resourcing challenges, the COVID-19 response and recovery, and the emerging themes and priorities of the Case Management section.

## **Any other business (agenda item 12)**

- 26** Nathan Fountain-Tucker, Corporate Governance Officer and Committee Secretary, presented a proposal to make changes to the MPTS Committee Statement of Purpose, relating to those sections which deal with the appointment, training, and assessment of case managers.
- 27** The Committee agreed the proposed changes, for approval by the GMC Council, and plan for implementation.
- 28** Committee members asked about the provision of bottled water at SJB. The Executive Manager has confirmed that the remaining stock of water bottles will be utilised and then we will be reverting to the use of water jugs.

## **Date and time of next meeting**

- 29** Date and time of next meeting: 8 November 2022, 10:00 – 13:00, St James’s Buildings, Oxford Road, M1 6FQ.

## **Tribunal member training update 2022 (agenda item 14)**

- 30** The Committee noted the training update and discussed tribunal members’ disappointing level of completion of formal feedback.

Confirmed:

Dame Caroline Swift

8 November 2022





Agenda item:	<b>05</b>
Report title:	<b>Executive Manager’s report</b>
Report by:	<b>Gavin Brown, Executive Manager,</b> <a href="mailto:gavin.brown@mpts-uk.org">gavin.brown@mpts-uk.org</a> , <b>0161 240 8126</b>
Considered by:	<b>MPTS Committee</b>
Action:	<b>To consider</b>

### **Executive summary**

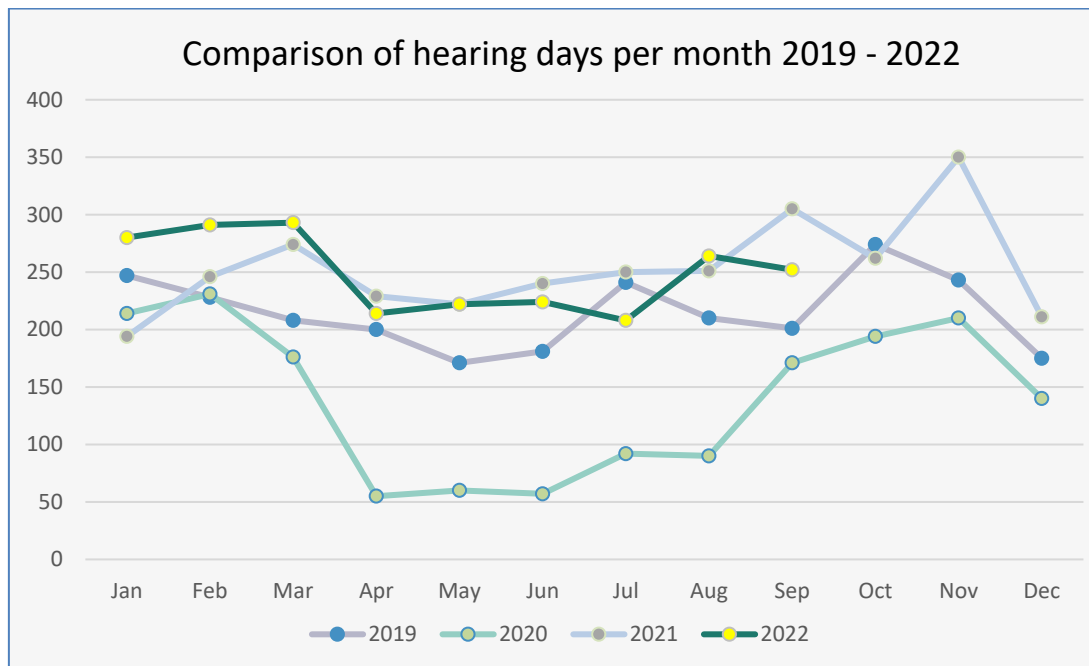
- ▶ This report provides the MPTS Committee with an update on the work of the MPTS.
- ▶ It includes an operational update, learning points from appeals, the findings of the Quality Assurance Group audit, as well as information regarding opportunities and threats, the appointment campaign for tribunal members, our recent away day, and outputs from the people survey.

### **Recommendation**

- ▶ The Committee is asked to consider the report and its annexes.

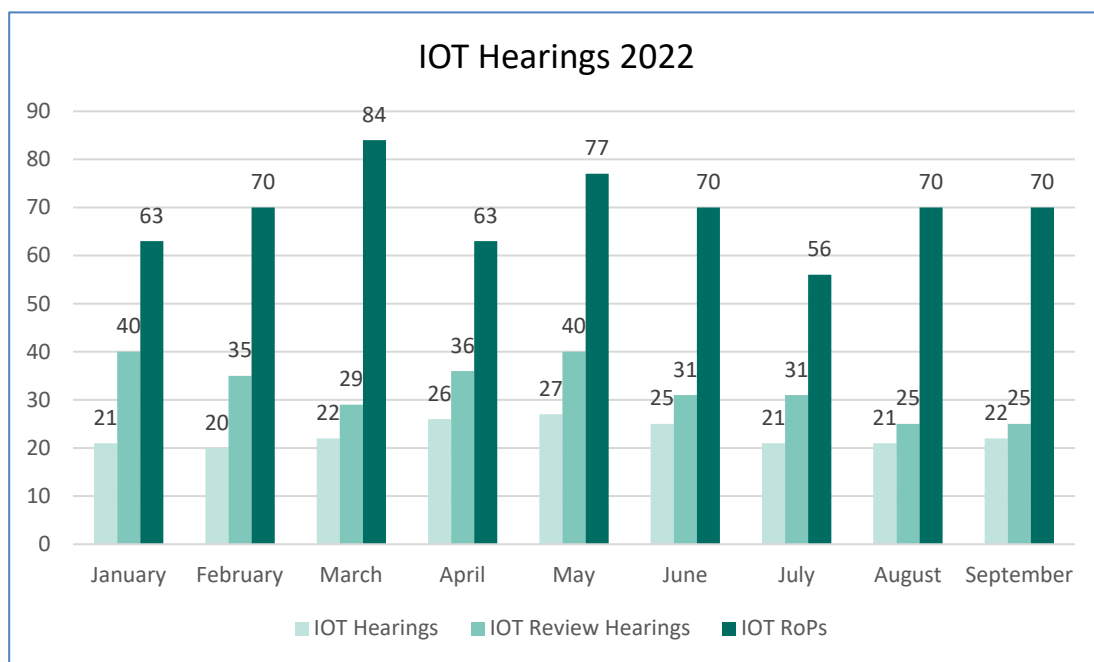
## Operational update

- 1** Since the last Committee meeting on 14 September 2022, we have continued to run a mix of in person, hybrid (where parties attend in person or virtually) and virtual hearings.
- 2** To date in 2022 we have seen an overall increase of 1.7%, 96%, and 19% on hearing days when compared to the same period in 2021, 2020 and 2019.

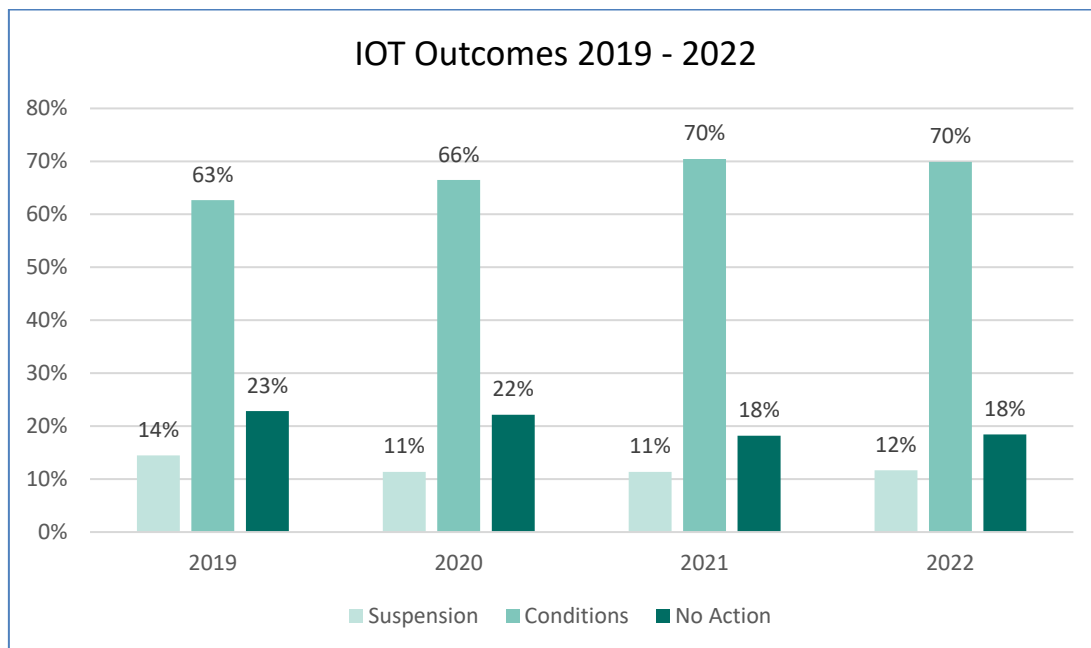


- 3** In September the number of hearing days we held was impacted by the funeral of Queen Elizabeth II and the annual MPTS away day.
- 4** We run two main types of tribunal hearing – interim orders tribunal hearings and medical practitioners tribunal hearings.
- 5** The GMC has the power to ask an interim orders tribunal to impose an interim restriction on a doctor’s registration while concerns about their fitness to practise are being investigated.
- 6** Interim orders tribunals do not make findings of fact but can make orders suspending a doctor’s registration or imposing conditions for up to 18 months if they consider it necessary to protect patients, to protect the public interest or (usually in a case involving the doctor’s health) in the interests of the doctor concerned.
- 7** From 19 March 2020 onwards, all new interim orders cases have been considered in virtual hearings.
- 8** These hearings are usually short, with no oral evidence, and are held with only a few weeks’ notice.

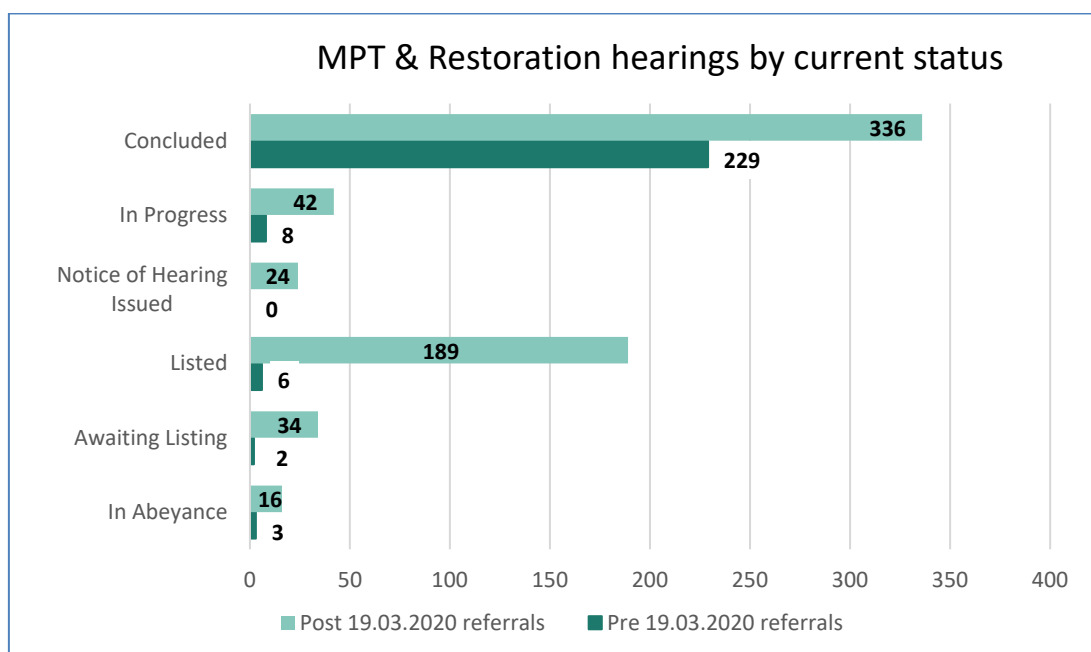
- 9** Doctors and legal professionals regularly involved in interim orders tribunal hearings continue to be positive in their feedback about virtual hearings.
- 10** Interim orders must be reviewed at least every six months and can be extended beyond the initial order length only by the High Court. If an order is varied at review, a further review must be held within three months.
- 11** Review hearings can be decided on the papers by a LQC when both the GMC and the doctor agree on the proposed outcome, thus avoiding the need for a full hearing. This is appropriate when both parties agree that an order should remain in place (because an investigation is ongoing) or should be revoked (because an investigation has concluded).
- 12** To date in 2022 the MPTS has considered 1120 IOTs. This number consists of 205 new IOT hearings, 292 IOT oral review hearings, and 623 reviews on the papers.
- 13** 68% of review hearings have been held on the papers by a LQC – a slight increase on the 64% of IOT review hearings carried out on the papers in 2021.



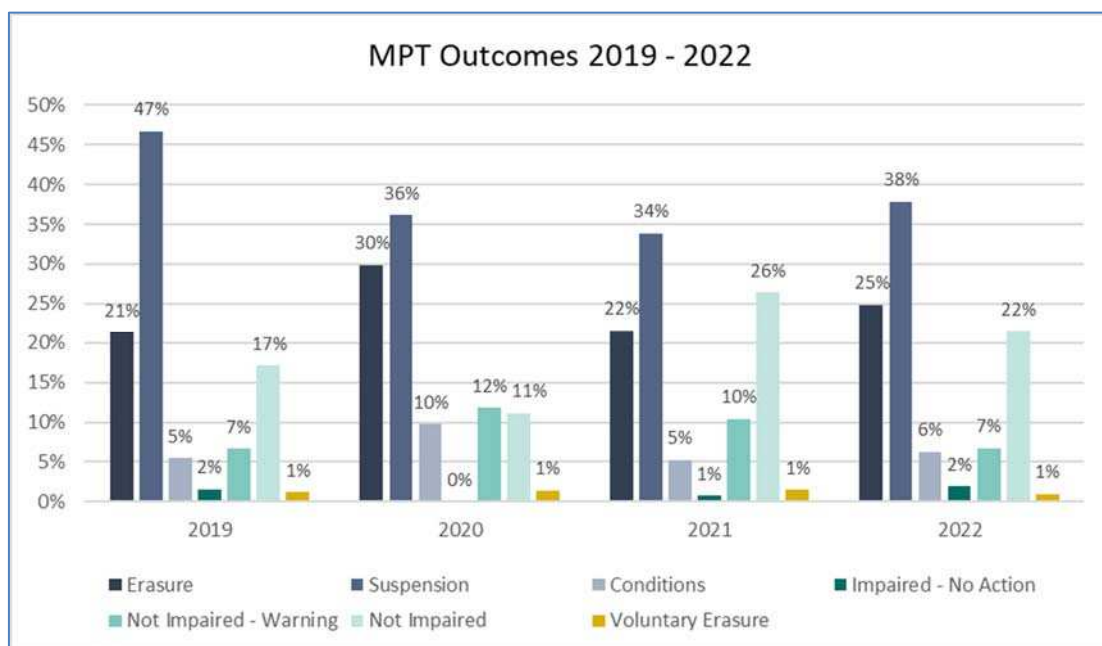
- 14** Throughout the pandemic we have continued to list 100% of new IOT hearings within 3 weeks of referral from the GMC.
- 15** The chart below shows the outcomes of IOTs. These have been consistent across the last 4 years.



- 16** If the GMC considers that a doctor’s fitness to practise may be impaired, it can refer the doctor’s case to the MPTS for a medical practitioners tribunal hearing.
- 17** MPTs include cases referred for a decision on the doctor’s fitness to practise (new medical practitioners tribunal hearings) and for a decision on a doctor’s application for restoration (restoration hearing).
- 18** As the chart below shows, very few MPT cases that were referred to us before the start of the COVID-19 pandemic are still to be concluded. Since the start of 2022, we have returned to listing new cases as soon as they are referred to us, unless there is a good reason not to. And since May 2022, we have been listing almost all MPT hearings within our service target of nine months from a GMC referral.



- 19** The 5 pre-COVID referrals awaiting listing or in abeyance relate to criminal convictions, doctor ill-health, and further investigation of original concerns.
- 20** Of the 34 cases referred to us after 19 March 2020 awaiting listing, the vast majority have only been referred to the MPTS recently. Of the 16 cases in abeyance, all but one is because of a postponement or adjournment application from the doctor or GMC.
- 21** MPTs hear the evidence in the case, determine the facts and then decide on the basis of the facts found proved, whether the doctor’s fitness to practise is impaired.
- 22** If a tribunal concludes that a doctor’s fitness to practise is impaired, it must consider the following options, taking into account the ‘Sanctions Guidance’: take no action, accept undertakings (voluntary conditions agreed between the GMC and the doctor), place conditions on the doctor’s registration (for up to three years), suspend the doctor’s registration (for up to one year) or erase the doctor’s name from the medical register.
- 23** A doctor’s name cannot be erased from the medical register in cases relating solely to the doctor’s adverse health or inadequate knowledge of the English language.
- 24** Where a tribunal finds a doctor’s fitness to practise is not impaired, it may issue a warning to the doctor if there has been a significant departure from the standards set out in the GMC’s professional guidance, ‘Good Medical Practice’.
- 25** The chart below shows the outcomes of MPTs over the period 2019 to 2022.



## Appeals

- 20** Since the last update to the MPTS Committee on 14 September 2022, additional learning points arising from judgments given in appeals / challenges to tribunal decisions from 1 July to 30 September 2022, include the following:
- a** Honesty lies at the very heart of the profession of doctor. Repeated dishonesty carries with it the potential to undermine completely public confidence in the medical profession and is one of the grounds justifying erasure
  - b** The fact that an earlier reviewing tribunal found a practitioner had shown insight and remediation in relation to earlier dishonesty is of no real relevance where that decision was taken in ignorance of the practitioner’s subsequent dishonesty
  - c** Where there is repeated or sustained dishonesty, it will be more difficult for a practitioner to show any real capacity for insight or remediation. A failure to have learned from previous disciplinary proceedings could make it impossible to find grounds for optimism about a practitioner’s ability to comply with proper professional standards in the future. Other features which may add to the gravity of the dishonesty include where:
    - ▶ an episode of dishonest conduct took place as a direct response to findings of dishonesty by an earlier tribunal
    - ▶ the dishonesty was directed towards a regulatory body and/or an employer
    - ▶ the dishonesty involved a breach of a restriction imposed for the purpose of protecting the public for example continuing to practise while suspended, practising when a licence to practise has been withdrawn as a result of regulatory action or working in breach of regulatory conditions (*General Medical Council v Donadio [2021] EWHC 562 (Admin)*) which must be treated as being of the utmost gravity
    - ▶ others were implicated in the dishonesty.
  - d** The absence of aggravating factor(s) are considerations that a tribunal may be entitled to take into account. For example ‘malicious intention’ would be an aggravating feature of any case, but the fact that ‘malicious intention’ is not alleged by the regulator does not mean that absence of malicious intention is an irrelevant consideration.
  - e** The Sanctions Guidance is a guide to decision-making by tribunals, not a tariff which prescribes the sanction to be imposed. Tribunals have a wide discretion and their decision on sanction involves a multi-factorial evaluative judgment, based on the evidence before them, including their assessment of the registrant

- f** Failure to comply with conditions or other restrictions imposed in the interests of patient safety could be significant when considering remediation and the gravity of the conduct, but also when considering which sanction may be most appropriate. The fact that the conduct could be capable of remediation will not carry a great deal of weight in deciding the appropriate sanction where there is a lack of insight, remediation and engagement with the regulator. The mere hope of a change of approach by the registrant is unlikely to be enough to impose the sanction of suspension rather than erasure.
- g** Tribunals are not required to set out every relevant paragraph of the Sanctions Guidance. However, it should be clear that the tribunal has had regard to the factors/issues raised in the relevant paragraphs of the Sanctions Guidance and that the tribunal’s reasons given on the matters are sufficient and intelligible.
- h** When considering whether to grant or extend an interim order on the ground of public interest only:
- ▶ the test to be applied is that: if the tribunal is satisfied in all the circumstances that there may be impairment of the doctor's fitness to practise which may adversely affect the public interest and, after balancing the interests of the doctor and the interests of the public, that an interim order is necessary to guard against such risk, the appropriate order should be made
  - ▶ the threshold for making, or extending, an interim order is a high one; necessity would normally be the appropriate yardstick (following *R (Shiekh) v General Dental Council [2007] EWHC 2972 (Admin)*), and the same applies in relation to the imposition of suspension or conditions
  - ▶ it is necessary to ask whether public confidence in the medical profession is likely to be seriously damaged if the doctor continues to hold unrestricted registration during the relevant period. The tribunal has to ask itself whether a reasonable and properly informed member of the public would be surprised and offended to learn that the doctor had been permitted to practise whilst under investigation (and the subject of criminal proceedings, if relevant)
  - ▶ it is incumbent on a tribunal to consider the individual features of each case and where there are criminal charges to consider the particular facts of those charges. This does not mean that the charges should be subject to an evidential analysis: it is enough to look at the terms of the charges themselves and form a view as to their apparent severity.

## Quality Assurance Group audit

- 21** Please find attached, at Annex A, the internal audit report carried out by BDO examining the processes that the MPTS has established to aid in learning lessons from running tribunals and contribute to a culture of continuous improvement.

- 22** The review concluded that “MPTS have put a significant amount of resource into feedback and learning processes, and it is clear that it is committed to fostering a culture of learning and continuous improvement”.

## Opportunities and threats

- 23** An updated, following Committee Member feedback, MPTS register can be found at Annex B.

## Tribunal member appointment campaign

- 24** Last month we launched the campaign to appoint 50 medical and 40 lay tribunal members.
- 25** These appointments will enable a suitable transition period with those existing medical and lay members scheduled to end their contracts in 2023 / 2024.
- 26** Due to the success of the LQC campaign in 2021 / 2022 we will be using the same approach for these appointments and anticipate high interest particularly for lay appointments.
- 27** We are actively encouraging applications from diverse and underrepresented groups to ensure our tribunal member pool is representative of the UK public.

## MPTS away day

- 28** On Friday 23 September 2022 we held our away day at the Museum of Science and Industry in Manchester.
- 29** The purpose of the day was twofold. Firstly, to allow everyone to reacquaint themselves with colleagues and maybe meet newer colleagues for the first time and secondly, to give everyone the opportunity to learn more about medical regulation beyond the work of the MPTS.
- 30** We had speakers from the GMC’s physician and anaesthesia associates (MAPs) and Outreach teams, as well as a junior doctor currently undertaking a GMC clinical fellowship. We were also joined by two lecturers from Edgehill Medical School who talked about their ‘Widening Access to Medicine’ programme.
- 31** We also used the time to discuss the results of the People Survey (for further information about this please see below), to consider how we might change our office space to support our new ways of working, and for some games and activities.
- 32** Feedback from the day was positive.



“Overall, best away day I've had at the GMC and really appreciate all the effort that went into the planning and delivery.”

“Very well organised thanks to all presenters and all those who contributed.”

“...all in all, it was an excellent and enjoyable Away Day.”

“The Away Day that I've enjoyed most.”

“Thanks for an awesome day :)”

## People survey

- 33** The GMC commissioned BMG to conduct their annual people survey in 2022.
- 34** The survey builds on the findings from the previous people surveys carried out by BMG in 2021, 2020 and 2019.
- 35** The survey was carried out by means of a self-completion online survey sent to all colleagues by email and was undertaken in June and July 2022. Please see Annex C for the full results for the MPTS.
- 36** As highlighted in the previous section of this report, the results for the MPTS were discussed at the Away Day. The introductory presentation for those discussions can be found at Annex D.
- 37** The raw feedback from the 10 Away Day groups is at Annex E.
- 38** The Committee will have the opportunity to explore the feedback and discuss next steps at the meeting.



Agenda item: **07**

Report title: **Adjourments quarterly update**

Report by: **Samantha Bedford, Head of Case Management,**  
[Samantha.bedford@mpts-uk.org](mailto:Samantha.bedford@mpts-uk.org), 0161 240 7112

Considered by: **MPTS Committee**

Action: **To note**

### **Executive summary**

This report:

- ▶ Summarises the key issues arising from hearings adjourning in Quarter 3 2022;
- ▶ Identifies actions to be taken forward by the MPTS Senior Management Team.

### **Recommendation**

- ▶ The Committee is asked to note the update

## Adjourments Quarterly Review: Q3 2022

### Scope of Review

- 1 Each month the Head of Case Management, Head of Operations, Case Managers and Legal Adviser meet to identify themes and issues arising from adjourned MPT hearings, with reference to internal resources, including hearing commentary and case management documents.
- 2 The findings and recommendations are discussed at the MPTS Senior Management Team (SMT) meeting and actions are assigned to be taken forward.

### Overview of MPT Hearings Reviewed

- 3 A total of 36 MPT hearings (across all MPT hearing types) concluded earlier than scheduled in Q3 2022. An analysis of new MPT hearings only during the same period shows that 70% of hearings concluded either early or on time.
- 4 MPT hearings taking place in Q3 2022 did so as a mix of SJB hearings, virtual hearings using MS Teams and as hybrid hearings with parties attending in person or remotely.
- 5 A total of 32 MPT hearings adjourned unplanned in Q3 2022. The table below indicates the number of adjournments across the MPT hearing types.

Hearing Type	Unplanned Adjournment	Planned Adjournment*
6-Month Cases	8	12
9-Month Cases	12	9
Direct Listing	4	0
Review Hearings	6	0
Remittal Hearings	0	0
Non-Compliance Hearings	1	0
Restoration Hearings	1	0
New & Review Hearings	0	0
Preliminary Hearings	0	0

- 6 References “Q3/XX” are used below as identifiers for specific hearings. Anonymised identifiers have been used for the purposes of this paper as they may relate to matters which have not yet concluded.

\* Hearings which are scheduled to adjourn and reconvene, either through a planned split listing or due to reconvene dates.

## Themes emerging from adjourned hearings

- 7** Often adjournments can arise for reasons that are unavoidable and could not reasonably have been foreseen. For example, where a party or Tribunal member is unwell, or if a Tribunal direct the practitioner to undergo an assessment of their health, language or performance.
- 8** The following themes, which we consider to be potentially avoidable and/or foreseeable, arise from our analysis of the adjourned MPT hearings:
  - a. Tribunal deliberations and timekeeping** – There were instances where Tribunals took time to complete their deliberations which appeared potentially disproportionate to the issue(s) under consideration (Q3/02, Q3/07, Q3/09, Q3/12, Q3/13, Q3/21, Q3/29, Q3/37, Q3/49), or where hearing time could have been managed more effectively (Q3/27, Q3/31, Q3/36, Q3/37, Q3/38, Q3/39).
  - b. Delays potentially caused by GMC case preparation** – There were instances where avoidable delays appear to have been caused by issues relating to GMC preparation or presentation of evidence (Q3/05, Q3/18, Q3/28, Q3/46).
  - c. Delays potentially caused by doctor/defence case preparation** – There were instances where doctor/defence preparation was incomplete or delayed progress during the hearing (Q3/02, Q3/08, Q3/09, Q3/12, Q3/15, Q3/25, Q3/31, Q3/32, Q3/36, Q3/43).
  - d. Delays caused by witness availability/timetabling** – There were instances where the availability or timetabling of witnesses to give evidence delayed progress (Q3/21, Q3/27, Q3/29, Q3/34).
  - e. Insufficient hearing length** – There were instances where parties underestimated the hearing time required, bearing in mind the evidence to be presented (Q3/24, Q3/43).
  - f. Service of documents** – There were instances where the service of a Notice of Allegation and/or Notice of Hearing was not in accordance with the prescribed requirements and meant that hearings had to adjourn (Q3/04, Q3/52).

## Identified action points

- 9** The review identified a number of actions from the analysis of Q3 adjournments, as outlined below.
  - a.** Actions requiring liaison with GMC Legal: to provide feedback about hearing preparation and service-related issues.
  - b.** Actions relating to MPTS:

- i. Consider whether a Tribunal Circular on handling conviction cases is necessary and implement project to change approach to case management directions for these cases
  - ii. Referral of appropriate cases to Adjudgments Detailed Review process upon conclusion
  - iii. Feedback to MPTS User Group on need to consider the impact on hearing length when calling witness evidence in review hearings
- 10** Any actions relating to identifiable individuals have been removed from the list above in order to ensure confidentiality. Such actions may include recommendations for the Tribunal Development and Operations teams to consider when undertaking observations or reviewing Tribunal member feedback.



Agenda item: **08**

Report title: **Review of the MPTS Committee’s work programme for 2023**

Report by: **Nathan Fountain-Tucker, Corporate Governance Officer,  
[MPTSCommittee@mpts-uk.org](mailto:MPTSCommittee@mpts-uk.org), 0161 240 3015**

Considered by: **MPTS Committee**

Action: **To approve**

### **Executive summary**

- ▶ The MPTS Committee’s work programme sets out the business for review during 2023.
- ▶ The work programme covers the duties and activities of the MPTS Committee as outlined in the Committee’s statement of purpose.

### **Recommendation**

- ▶ The MPTS Committee is asked to consider its forward work programme for 2023.

- 1** Below is a draft of the MPTS Committee work programme for 2023.
- 2** Agenda items have been matched to the MPTS Committee’s duties and activities (see Table 1) to provide assurance that the Committee is compliant with its Statement of Purpose and is reviewing all aspects of its key responsibilities.
- 3** The Committee is asked to approve its work programme for 2023.

<b>Date:</b> Wednesday 8 February 2023	<b>Meeting:</b> MPTS Committee
<ul style="list-style-type: none"> <li>▶ Chair’s report (oral)</li> <li>▶ Executive Manager’s report including the MPTS risk register and performance data (a-k)</li> <li>▶ Update on appeals (a, f)</li> <li>▶ Update from the Quality Assurance Group (f, g)</li> <li>▶ Adjournments quarterly update (f)</li> <li>▶ Tribunal members training update (b, c)</li> </ul>	

<b>Date:</b> Thursday 11 May 2023	<b>Meeting:</b> MPTS Committee
<ul style="list-style-type: none"> <li>▶ Chair’s report (oral)</li> <li>▶ Executive Manager’s report including the MPTS risk register and performance data (a-k)</li> <li>▶ Report of the MPTS Committee to GMC Council (a-l)</li> <li>▶ MPTS annual report to Parliament (l)</li> <li>▶ Adjournments quarterly update (f)</li> <li>▶ Annual review of complaints (k)</li> <li>▶ Review of MPTS Committee’s work programme for 2023 (a)</li> <li>▶ Review of the delivery of planned projects and discussion of future priorities and plans (n)</li> </ul>	

<b>Date:</b> Wednesday 13 September	<b>Meeting:</b> MPTS Committee
<ul style="list-style-type: none"> <li>▶ Chair’s report (oral)</li> <li>▶ Executive Manager’s report including the MPTS risk register and performance data (a-k)</li> <li>▶ Annual review of the MPTS vision (m)</li> <li>▶ Tribunal Members’ resourcing updates (a)</li> <li>▶ Update from the Quality Assurance Group (f, g)</li> <li>▶ Adjournments quarterly update (f)</li> <li>▶ Annual review of case management (g)</li> </ul>	

<b>Date:</b> Wednesday 15 November 2023	<b>Meeting:</b> MPTS Committee
<ul style="list-style-type: none"> <li>▶ Chair’s report (oral)</li> <li>▶ Executive Manager’s report including the MPTS risk register and performance data (a-k)</li> <li>▶ Report of the MPTS Committee to GMC Council (a-l)</li> <li>▶ Adjournments quarterly update (f)</li> <li>▶ Review of the MPTS Committee’s work programme for 2024 (a)</li> <li>▶ Annual review of MPTS Committee effectiveness</li> <li>▶ Review of the delivery of planned projects and discussion of future priorities and plans (n)</li> </ul>	



**Table 1. MPTS Committee’s duties and activities for 2023** (as set out in the Committee’s statement of purpose and additional items from the MPTS vision and MPTS projects).

MPTS Committee’s duties and activities	Assurance Route
<b>a</b> The delivery of a hearings service that demonstrates efficiency and effectiveness.	Executive Manager’s report and updates from the Quality Assurance Group.
<b>b</b> The appointment of Medical Practitioners and Interim Orders Tribunal members (including chairs) and that appropriate systems for the appointment, induction, training, and, where required, the removal of tribunal members are in place.	Papers on recruitment campaigns, training and appraisal as required.  Tribunal members training update scheduled for February 2023.
<b>c</b> The appointment of legal assessors and that appropriate systems for the appointment, induction, training, and, where required, the removal of legal assessors are in place.	Papers on recruitment campaigns, training and appraisal as required.  Tribunal members training update scheduled for February 2023.
<b>d</b> Maintenance of a system for declaration and registration and publication of Committee members’ private interests.	Declaration of interests of Committee members’ private interests available on the MPTS website and updated as required.  Declaration of interests is an agenda item for every meeting.
<b>e</b> Consideration of matters by a Medical Practitioners Tribunal/Interim Orders Tribunal.	Executive Manager’s report.
<b>f</b> High quality standards of decision-making by Medical Practitioners Tribunals and Interim Orders Tribunals are maintained.	Included in the Quality Assurance Group updates to the Committee.
<b>g</b> High quality standards of case management by case managers are maintained.	Annual review of case management scheduled for September 2023.

<p><b>h</b> The setting and maintenance of guidance for the MPTS tribunal members, and legal assessors, as required.</p>	<p>Guidance requiring consideration by the MPTS Committee to be added to the work programme as required.</p>
<p><b>i</b> That the MPTS applies the equality and diversity strategy and policies of the GMC.</p>	<p>Integral part of Committee’s consideration and decision-making.</p> <p>Updates on equality and diversity part of the Executive Manager’s report.</p>
<p><b>j</b> Notification of Medical Practitioners Tribunal and Interim Orders Tribunal decisions as required by the Medical Act.</p>	<p>Executive Managers report.</p>
<p><b>k</b> Effective liaison with all users of the hearings service provided by the MPTS.</p>	<p>Included in the Executive Manager’s report and papers on engagement activities as required.</p>
<p><b>l</b> An annual report which meets the requirements of Section 52B of the Medical Act 1983 as amended.</p>	<p>Annual report to Parliament scheduled on the work programme for May 2023.</p>
<p><b>m</b> From the MPTS vision:</p> <ul style="list-style-type: none"> <li>▶ Makes high quality, well-reasoned, independent decisions to protect the public.</li> <li>▶ Treats all tribunal service users with respect and fairness.</li> <li>▶ Uses modern technology to enhance the efficiency and effectiveness of running hearings.</li> <li>▶ Shares its knowledge and makes a positive contribution to the future direction of adjudication.</li> </ul>	<p>Annual review of the MPTS vision scheduled on the work programme for September 2023.</p>
<p><b>n</b> MPTS priorities and delivery of projects</p>	<p>Review of project delivery and discussion of future priorities and plans in May and November 2023.</p>



Agenda item: **09**

Report title: **Annual review of the MPTS Committee’s effectiveness**

Report by: **Nathan Fountain-Tucker, Corporate Governance Officer,**  
[MPTSCommittee@mpts-uk.org](mailto:MPTSCommittee@mpts-uk.org), 0161 240 3015

Considered by: **MPTS Committee**

Action: **To discuss**

### **Executive summary**

- ▶ The MPTS Committee reviews its effectiveness annually.

### **Recommendation**

- ▶ The MPTS Committee is asked to discuss its effectiveness and determine if there are any changes that it wishes to make to the Committee’s activities and arrangements for 2023.

- 1** The MPTS Committee reviews its effectiveness on an annual basis at its final meeting of each year.
- 2** Good governance is fundamental to the success of the MPTS, as it enables and supports compliance with the law and relevant regulations, whilst promoting a culture in which we can all work towards fulfilling our vision.
- 3** The [Charity Governance Code](#) sets out principles of good governance in the following areas:
  - ▶ Organisational purpose
  - ▶ Leadership
  - ▶ Integrity
  - ▶ Decision-making, risk, and control
  - ▶ Committee effectiveness
  - ▶ Equality, diversity, and inclusion
  - ▶ Openness and accountability
- 4** As a starting point, from these, the Committee is asked to consider the following questions:
  - ▶ Is the Committee clear about our aims, and in ensuring that these are being delivered effectively and sustainably?
  - ▶ Does the Committee act with integrity, whilst adopting values and promoting a culture which helps achieve the MPTS’s purpose?
  - ▶ Does the Committee work as an effective team, using the appropriate balance of skills, experience, backgrounds, and knowledge to make informed decisions?
  - ▶ Does the Committee and the MPTS’s approach to diversity support its effectiveness, leadership, and decision-making?
- 5** The Committee is asked to determine if there are any changes that it wishes to make to the Committee’s activities and arrangements for 2023.