

MPTS User Group – Minutes of the meeting on Tuesday 8 September 2020

Attendance:

Clare Chapman	BLM
Colin Barker	MPTS Head of Communications and Corporate Affairs
Dame Caroline Swift	MPTS Chair
David Dolan	GMC Legal
Gavin Brown	MPTS Executive Manager
Ian Barker	MDU
Iona Milton-Jones	GMC Policy
Jacky Hayden	MPTS Committee member
James Tables	GMC Legal
Joshua Morrison	Gordons
Karen Ellison	MPS
Kashif Mahmood	MPS
Katherine Sheldrick	Hempsons
Lisa Jones	MPS
Lucy Evans	GMC Legal
Margaret Barry	MPTS Case Management
Natalie McCartney	BTO
Natasha Ricioppo	CMS
Samantha Bedford	MPTS Head of Case Management
Sara Foster	MDDUS
Scott Geddes	MPTS Head of Operations
Tamarind Ashcroft	MPTS Head of Tribunal Development

Chair's welcome and update (Agenda item 1)

- 1** Dame Caroline Swift welcomed everyone to the meeting and attendees introduced themselves.
- 2** Dame Caroline Swift commented that the meeting provides a valuable forum for us to hear suggestions and views.
- 3** Dame Caroline Swift thanked MPTS users for their recent support; virtual hearings would not have been as successful without the cooperation of users. Positive feedback has been appreciated and shared with MPTS colleagues.

Minutes of the meeting on 17 September 2019 and MPTS update note of 30 March 2020 (Agenda item 2)

- 4** The MPTS User Group received a copy of the previous meeting minutes via email ahead of the meeting. No comments were received, and the minutes were approved.
- 5** The MPTS User Group also received a copy of the update circulated to User Group members following the cancellation of the March 2020 meeting.
- 6** Dame Caroline Swift provided an update on MPTS actions:
 - ▶ Sanctions Guidance review – the Interim review went ahead and was published in November 2019. The main review underwent an internal consultation in 2019, however, with the pandemic, the decision was made to pause the review. This will be continued when the situation with legislative reform, including the GMC regulation of MAPs, is clearer.
 - ▶ Kuzmin – A circular has been issued to Tribunal Members. Dame Caroline thanked those that have responded to our consultation on guidance; we are currently considering this..
 - ▶ Health outcomes recorded on determinations – an update will be provided at item 6.

MPTS operational update including listing process and timescales for cases referred during lockdown (Agenda item 3)

- 7** Gavin Brown, Executive Manager, provided an operational update. Highlights included:
 - ▶ 100% of IOTs have been heard within 21 days of referral.
 - ▶ Over 500 virtual hearings have been held since the hearing centre was closed.

- ▶ From the 3 August, hearings resumed at the hearing centre. There will be a gradual increase in hearings, with capacity for 3 per day in August, 6 per day in September and 9 per day in October.
- ▶ Positive feedback has been received for virtual IOT hearings so we are planning to continue these throughout 2021.
- ▶ We have started to clear the backlog of cases created by the pandemic.

8 Samantha Bedford, Head of Case Management, provided an update on listing and case management. Highlights included:

- ▶ Relisting criteria for prioritisation of cases has been published on the MTPS website ([Website link](#)).
- ▶ Relisting is a complex process with many factors to take into account such as time since original FTP referral and the need to schedule a mix of cases to best use resources.
- ▶ 80% of March-June postponements have now been relisted and 40% of July+ postponed cases have been relisted.
- ▶ The need for communication between MPTS Case Management and parties is key. Parties should talk to Case Management if they are not ready to proceed.
- ▶ Users were reminded to have all information available at pre-listing telephone conversations, including availability. Calls can be rearranged if availability not yet known.
- ▶ Parties are encouraged to make representations on needs as early as possible and are reminded that the MPTS has limited capacity for virtual hearings or virtual attendance.
- ▶ Users were asked to be aware that we may offer to bring forward hearings, due to cancellations, with as little as six weeks' notice.
- ▶ We are increasing our use of paperless bundles but will continue to be flexible. We have limited resources so users should let Case Management know if you have any requirements in that area.

9 Tamarind Ashcroft, Head of Tribunal Development, provided an update on virtual hearings. Highlights included:

- ▶ Use of virtual hearings may not be suitable for all hearings.
- ▶ An Equality Impact Assessment has been completed and we are happy to share it on request.
- ▶ Feedback is encouraged to help ensure virtual hearings are only scheduled when appropriate.
- ▶ Tamarind advised we are looking at new technology for virtual hearings which would be more user friendly, and more closely mirror the service we can offer in our hearing centre.

10 User Group comments:

- ▶ Kashif Mahmood, MPS, commented on the fact virtual hearings are dependent on the technology of those attending the hearing. He asked how

we get around the problem of issues with internet connection and avoid inequality, unfairness and prejudice.

Tamarind advised that our virtual hearing guidance specifies a minimum internet speed and tribunal members undergo test calls to ensure they are able to participate. We can offer a test call to all participants of a hearing. Chairs are aware that connection issues which arise during a hearing must be balanced against the need for participants to participate fairly.

- ▶ Ian Barker, MDU, commented that feedback from colleagues on virtual hearings had been positive and suggested they would like to see virtual hearings continue into 2021.

Tamarind advised that we continue to review and consider our use of technology and further discussions with MPTS stakeholders would be held in the future.

Bundle preparation and timescales (Agenda item 4)

- 11** Samantha Bedford provided the User Group with a brief reminder of MPTS policy on hearing bundles.
- 12** Submission deadlines: the deadline for submitting hearing bundles is 14 days before the hearing starts and extensions can be granted if requested and it is appropriate for these to be granted.
- 13** The User Group were reminded that tribunal members often had other commitments and 14 days ensured tribunals could review bundles before the hearing commenced.
- 14** Bundle content: bundles should only contain material the Tribunal will be considering e.g. do not include full medical records when only a couple of pages are relevant.
- 15** Requests have been made to include a chronology or key reading list with bundles. It would be helpful if key documents were flagged although Tribunals will still review the whole bundle.
- 16** Users were reminded to ensure bundles were formatted in line with MPTS policy to reduce unnecessary delays. This is particularly important while we are trying to run more paperless hearings.

Commitment to efficiency statement (Agenda item 5)

- 17** Tamarind Ashcroft provided an update on our commitment to run hearings effectively and efficiently.
- 18** A Statement has been formulated which has been published on the MPTS website. ([Website link](#))

Summary of outcomes of facts in health cases: update to the RoD (Agenda item 6)

- 19** Dame Caroline provided a brief summary of the original issue.
- 20** The decision was made to include an outcome on facts in the Record of Determination (RoD) and an indication as to which facts were not culpable or adverse. However, in health cases we did not feel it was fair to say there were no culpable facts found.
- 21** After consideration, it was decided to use the following wording for the outcomes of facts, which is suitable for all cases:
- ▶ Facts relevant to impairment found proved
 - ▶ No facts relevant to impairment found proved
 - ▶ No facts found proved

Matters raised by User Group members (Agenda item 7)

- 22** Clare Chapman provided feedback on virtual hearings saying she had found it to be a positive experience and offered praise for setting up virtual hearings so soon after lockdown was imposed.
- 23** Clare Chapman asked if running updates could be provided while a tribunal was in camera. Specifically, around notice for changes to recall times. Tamarind Ashcroft suggested this would be possible and new technology for virtual hearings should make this easier.

Any other business (Agenda item 8)

- 24** There was no other business
- 25** Dame Caroline thanked attendees for joining the meeting.

Date and time of next meeting (Agenda item 9)

- 26** The date and time of the next meeting will be circulated in due course.