

MPTS User Group – Minutes of the meeting on Wednesday 8 September 2021

Attendance:

Dame Caroline Swift (Chair)	MPTS Chair
Tamarind Ashcroft	MPTS Head of Tribunal Development
Colin Barker	MPTS Head of Communications and Corporate Affairs
Ian Barker	MDU
Gemma Barnes	GMC Policy and planning
Margaret Barry	MPTS Case Management
Samantha Bedford	MPTS Head of Case Management
Gavin Brown	MPTS Executive Manager
Crystal Collins-Hewson	MPTS Case Management
Katie Costello	BLM
David Dolan	GMC Legal
Lucy Evans	GMC Legal
Sam Flew	RLB
Sara Foster	MDDUS
Scott Geddes	MPTS Head of Operations
Lee Gledhill	DDS
Joy Hamilton	MPTS Committee member
Jacky Hayden	MPTS Committee member
Joshua Kirby	MPTS Case Management
Natasha Ricioppo	CMS
Georgia Rose	BTO
Ian Sexton (Minutes)	MPTS Communications and Corporate Affairs
Mohammad Shahid	MPS

Chair's welcome and update (Agenda item 1)

- 1 Dame Caroline Swift welcomed everyone to the meeting.
- 2 Dame Caroline highlighted that the MPTS focus has been on delivering the hearing days that were lost in 2020 due to the pandemic, and the implementation of a new platform for virtual hearings.
- 3 Apologies were received from Clare Chapman, BLM Law.

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 Dame Caroline provided an update on MPTS actions:
 - ▶ Adverse Inferences guidance – Comments from the User Group were carefully considered, and the guidance has now been published.
 - ▶ Tribunal dress code – Guidance has been re-circulated to tribunal members.
 - ▶ IT issues – Issues raised by one User Group member were referred to our Information Systems team and progress has been made in addressing them.

MPTS operational update (Agenda item 3)

- 6 Gavin Brown, Executive Manager, provided an operational update. Highlights included:
 - ▶ Focus has been on delivering the hearing days previously lost.
 - ▶ Safety and hygiene measures remain in place to ensure the hearing centre is as safe as possible.
 - ▶ MPTS will be able to run up to 17 concurrent hearings per day from October onwards, and anticipate a return to pre-pandemic hearing volumes by the end of 2022.
 - ▶ MPTS staff numbers have increased from 100 (July 2020) to 129 (July 2021) to assist with this.
 - ▶ With assistance from parties, Case Management has made good progress on listing cases to ensure certainty around when a hearing will take place.

- ▶ Move to MS Teams as the virtual hearings' platform has now been completed.
- ▶ The MPTS Annual report to Parliament has been published.
- ▶ The MPTS has been contributing to the GMC response on regulatory reform.
- ▶ Gavin thanked everyone for their contribution to the recovery.

Case Management (Agenda item 4)

- 7** Sam Bedford, Head of Case Management, provided an update on case management. Highlights included:
- ▶ New pilot of FindTime Outlook tool to make scheduling first listing telephone conversations (FLTC) easier and more efficient. The pilot will start this month for hearings where both parties are represented.
 - ▶ New pilot use of MS Teams for selected FLTCs instead of BTMeetMe. Parties will be advised if their FLTC has been selected for the pilot. FLTCs held via MS Teams will be audio only and a dial-in option will be available to ensure participants can still access the call by telephone.
 - ▶ Both pilots will be reviewed early in 2022. Users are encouraged to complete the feedback questionnaire for these pilots to assist in their evaluation.
- 8** Following adjournment reviews and tribunal member feedback, users were reminded of MPTS policy on MPT hearing bundles.
- ▶ [Hearing bundles guidance](#) is available on the MPTS website and must be adhered to, particularly in relation to format and content of bundles. Duplication must be avoided wherever possible.
 - ▶ Submission deadlines: the deadline for submitting hearing bundles is 14 days before the hearing starts, unless otherwise directed by an MPTS Case Manager. Tribunal members often have other commitments and this timescale is necessary to ensure tribunals can review bundles in advance.
 - ▶ Stage 2 documents: These should be submitted in the hearing bundle in advance where full admissions will be made.
- 9** Witness timetabling: Parties were strongly encouraged to liaise and agree how long witnesses are required for, and to adhere to that timetable. Parties were reminded to take into account time needed for tribunal member questions when timetabling witnesses.
- 10** User Group comments
- ▶ Ian Barker, MDU, asked if parties could be notified when Case Management records are to be made available to tribunals, to allow parties to review for prejudicial material.
- Sam advised that the majority of records are uncontentious and notifying parties each time would not be proportionate. Where an MPTS Case Manager identifies the potential need for redactions, this will be indicated in the case

management record and parties will be given a deadline to comment. Users were advised that any submissions on proposed redactions must be received no later than 3 weeks' prior to the hearing.

- ▶ Katie Costello, BLM, asked if the time between referral and listing could be shortened.

Sam responded that delays have caused by the pandemic, but we are working towards a return to pre-pandemic service levels. Sam also explained that the MPTS is working with the GMC to ensure the MPTS receives prompt notification of a referral decision from the GMC. Users were advised to contact Case Management if they have not heard from the MPTS within a few weeks of receiving GMC notification of a referral.

Virtual hearings (Agenda item 5)

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

- ▶ On 16 August all virtual hearings moved to MS Teams.
- ▶ A list of known issues and devices has been compiled.
- ▶ Skype will not be available for use in VHs. Users should contact Tamarind early on if there are any concerns about using teams.
- ▶ The breakout room function is working well for 'in camera' discussions. It was hoped that an update to MS Teams would enable the easier creation of breakout rooms so we can enhance the offering available in virtual hearings. For example, creating a breakout room for the Dr and their representative.
- ▶ Observations of virtual hearings. Pandemic arrangements will continue but will be reviewed as we look at observation for business-as-usual virtual hearings. There are many issues to consider and the integrity of hearings must be maintained. There will be consultation with users.
- ▶ We are moving to a position where we can determine the presumptions used to decide the hearing venue, enabling us to give parties more advance notice of the anticipated venue.
- ▶ Research has been commissioned to ensure virtual hearings have had no impact on decision making. The review will cover March 2019 - March 2022 and we hope to share the findings after that.
- ▶ Tamarind thanked all users who provided thoughts and feedback about virtual hearings.

- 12** User Group comments:

- ▶ Sam Flew, RLB, asked if the list of issues with MS teams could be circulated. Tamarind agreed it could, though it is a fluid document that changes as new issues are identified and existing issues resolved.

Matters raised by User Group members (Agenda item 6)

- 13** Ian Barker, MDU, highlighted there had been occasions where it had proved challenging to contact MPTS staff.
A reminder will be issued to staff to ensure that phones are logged in.
- 14** Georgia Rose, BTO, asked if the MPTS could assist with removing duplication in Rule 7 bundles.
Sam advised the MPTS are unable to assist with pre-referral bundles as this was a matter for the GMC, but any issues can be raised through the case management process.

Any other business (Agenda item 7)

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

Date and time of next meeting (Agenda item 8)

- 17** The date and time of the next meeting will be Tuesday 8 March 2022, 16:30-18:00. Location, MS Teams.