



## Panellist Circular

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To: Fitness to Practise Panellists

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## FTP Annual Training Summary

Further to your annual FTP panellist training this circular is to summarise the key points covered.

### Hearings Management

We discussed the use of video link evidence with particular reference to rule 36(3) regarding vulnerable witnesses and rule 16(6) relating to case manager directions. Applications for the use of video link evidence are for the panel's consideration although it is recognised that in many circumstances parties may have agreed to evidence being provided by video link prior to the hearing commencement.

We reminded you of rule 33 which relates to representation and the supporting guidance on fit and proper persons to represent. Representation under rule 33 (c) is at the discretion of the panel and a reasoned determination should be produced to support the panel's decision.

We clarified that the provisions of s47 Medical Act 1983 do not apply to doctors in training. The 'Gold Guide' provides the relevant guidance for trainee doctors regarding their training programmes when their registration is either made subject to conditions or suspended and it is not within the panel's remit to make decisions relating to their training.

We advised that panels do not have the power to 'postpone' hearings and can only adjourn a hearing (if appropriate) under rule 29.

We also reminded you of the rules relating to substitution of panellists and the relevant case law regarding the recusal of panellists either individually or as a whole.

The MPTS makes impartial decisions in doctors' fitness to practise hearings. The MPTS is part of the General Medical Council, but it is operationally separate and it is accountable to Parliament.

## **Drafting determinations**

We emphasised the importance of providing clear and consistent reasons for decisions. We reminded you that references to case law should be up to date, relevant and explained, guidance need not be quoted in full and that the guidance on drafting determinations is available to support the panels drafting.

## **Case law, policy and standards updates**

We provided an overview of recent case law developments including, *Fish v GMC* [2012] EWHC 1269 Admin and *Lawrence v GMC* [2012] EWHC 464 (Admin).

We provided an update on the proposed changes to the fitness to practise rules which are to be implemented during 2013.

We also reminded you of new guidance for doctors on 'Leadership and Management', 'Raising and acting on concerns about patient safety' and 'Protecting children and young people'. We also updated you on the revised 'Good Medical Practice' which is due to come into effect in April 2013.

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