Part 1: Overview of interim orders tribunal hearings and the MPTS

Key points

- You can be referred to an interim orders tribunal at any stage during a GMC investigation
- We arrange the interim order tribunal hearing but play no part in the GMC’s investigation
- The interim order tribunal is fully independent in its decision making and usually holds hearings in private

Role of the MPTS

The MPTS is a statutory committee of the GMC but is fully independent in its decision making and accountability to the UK Parliament.

We provide an adjudication service, which means we arrange for our interim orders tribunal to make decisions about doctors whose fitness to practise has been called into question by the GMC.

Why have I been referred to the interim orders tribunal?

The GMC may decide to refer your case to an interim orders tribunal hearing at any point during its investigation of allegations regarding your fitness to practise. The GMC’s decision to refer a case to an interim orders tribunal hearing will depend on whether the information gathered during an investigation means that the GMC believes an interim order is needed.

The allegations leading to referral to interim orders tribunal will fall within one or more of the following categories:

- Misconduct
- Deficient professional performance
- Conviction/caution
Adverse physical or mental health

Not having the necessary knowledge of English

Determination by another regulatory authority

**What is the purpose of the interim orders tribunal hearing?**

At the hearing, the interim orders tribunal must assess whether your registration should be restricted while the GMC investigates the allegations. Interim orders tribunal hearings are usually held in private, although, in exceptional circumstances, they can be held in public at your request or if the interim orders tribunal considers it appropriate.

The interim orders tribunal will not make findings of fact about the allegations and will not decide whether your fitness to practise is impaired. Instead, the interim orders tribunal will assess the risk posed if your practise remains unrestricted during the GMC’s investigation.

The interim orders tribunal will consider whether an interim order is:

- Necessary to protect members of the public
- In the public interest – this includes maintaining public confidence in the profession and the upholding of proper standards of behaviour
- In your own interests – for example, where concerns arise due to adverse health

**What are the possible outcomes?**

If the interim orders tribunal considers it necessary to do so, it may make an interim order either placing conditions on or suspending your registration.

The interim orders tribunal will decide the length of the order, up to a maximum of 18 months. The interim order may be extended beyond the initial length of order by Order of the High Court. Further information about High Court extensions of interim orders can be found in Part 6.

**What are the main provisions of the Act and Rules relevant to interim orders tribunal hearings?**

The powers of the interim orders tribunal are set out in Section 41A of the Act.
The procedure followed before and at interim orders tribunal hearings is set out in Rules 25 to 27.

Other parts of the Act and Rules also apply to interim orders tribunal hearings (for example, Rule 33 regarding the power to proceed in a practitioner’s absence), but are beyond the scope of these resources.

Who will be at the hearing?

**Tribunal members**

The interim orders tribunal is made up of three tribunal members, appointed and trained by the MPTS. There will be at least one doctor (medically qualified with a licence to practise) and at least one lay person (not medically qualified). One tribunal member will act as chair.
The chair of your hearing may be a legally qualified chair. The legally qualified chair will be either an experienced solicitor or barrister who will advise the interim orders tribunal on questions of law as to evidence and procedure.

**Legal assessor**

If the chair is not a legally qualified chair, we will appoint a legal assessor (an experienced barrister or solicitor) to advise the interim orders tribunal on points of law and procedure. The legal assessor does not take part in the interim orders tribunal’s decision making.

**Other attendees**

A legal representative instructed by the GMC will be present and will present the GMC’s case.

There will also be an MPTS clerk present, who is responsible for the administration of the hearing, and an MPTS assistant, who provides assistance to both the interim orders tribunal and the clerk.

**Where the hearing centre is and what it looks like**

Our hearing centre is located in central Manchester.

Find out how to get to our hearing centre.

If you’d like to provide feedback on Resource for doctors: interim orders tribunals, please go to: [https://www.smartsurvey.co.uk/s/ResourceforDoctors_IOT_Part1/](https://www.smartsurvey.co.uk/s/ResourceforDoctors_IOT_Part1/)