

# Part 1: Overview of medical practitioners tribunal hearings and the MPTS

## Key points

- ▶ You may be referred to a medical practitioners tribunal hearing at the end of a General Medical Council (GMC) investigation.
- ▶ We arrange the medical practitioners tribunal hearing but play no part in the GMC's investigation.
- ▶ The medical practitioners tribunal is fully independent in its decision making and holds majority of hearings in public.

## 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 medical practitioners tribunals to make decisions about doctors whose fitness to practise has been called into question by the GMC.

## Why have I been referred to the medical practitioners tribunal?

GMC decision makers may decide to refer your case to a medical practitioners tribunal hearing at the end of its investigation of allegations into your fitness to practise. The GMC will provide you with a copy of the written decision which explains why the GMC has decided it is necessary to refer your case to a medical practitioners tribunal hearing.

The allegations leading to referral to a medical practitioners 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 medical practitioners tribunal hearing?

At the hearing, the medical practitioners tribunal must decide whether or not the allegations you face are proved. The medical practitioners tribunal will apply the civil standard of proof. This means the medical practitioners tribunal must decide whether, on the balance of probabilities, the matters occurred as alleged by the GMC. This part of the hearing is often referred to as the facts stage, or Stage 1.

If the medical practitioners tribunal decides that some or all of the facts are proved, the medical practitioners tribunal will then decide whether your fitness to practise as a doctor is impaired because of those findings. This part of the hearing is often referred to as the impairment stage, or Stage 2.

If the medical practitioners tribunal decides that your fitness to practise is impaired, the medical practitioners tribunal will then consider whether a sanction should be applied to your registration. This part of the hearing is often referred to as the sanction stage, or Stage 3.

## What are the possible outcomes?

If the medical practitioners tribunal does not find the facts of the allegation(s) proved, the hearing will conclude with no action.

If the medical practitioners tribunal finds some or all of the facts of the allegation(s) proved, the following outcomes are possible.

- ▶ If the medical practitioners tribunal then goes on to find that your fitness to practise is not impaired, the medical practitioners tribunal may decide to take no action or to issue a formal warning. More information about this stage is provided in [Part 9](#).

- ▶ If the medical practitioners tribunal then goes on to find that your fitness to practise is impaired, the medical practitioners tribunal may then decide to:
  - ▶ take no action
  - ▶ impose conditions on your registration for up to three years
  - ▶ suspend your registration for up to 12 months
  - ▶ erase your name from the medical register.

## Will the hearing be held in public?

Medical practitioners tribunal hearings are usually held in public, with some exceptions. Matters relating to your health will be heard in private. The medical practitioners tribunal may also hear other matters in private session where the circumstances of the case outweigh the public interest in holding the hearing in public. All medical practitioners tribunal deliberations are held in private in the absence of the parties.

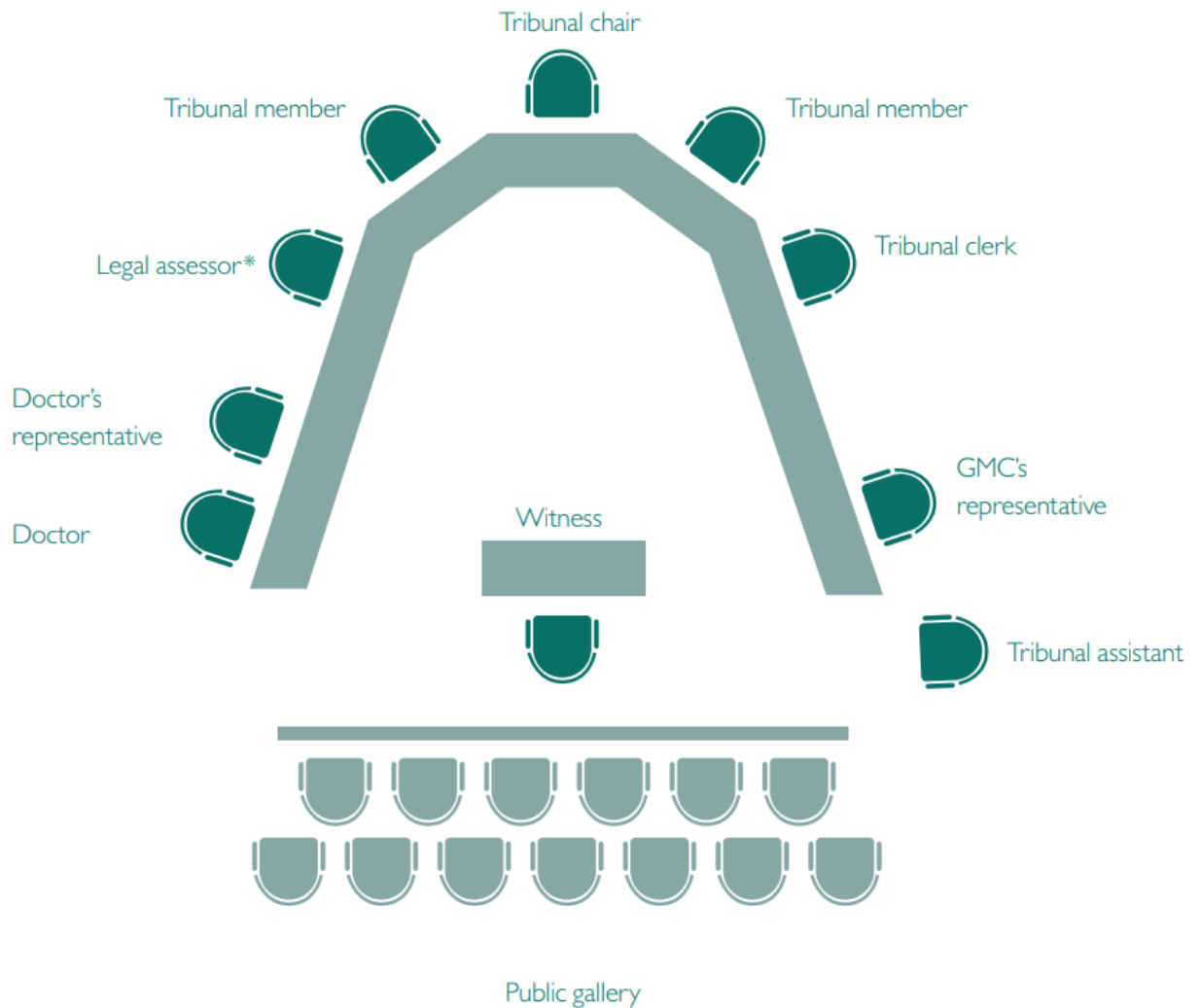
## What are the main provisions of the Act and Rules relevant to medical practitioners tribunal hearings?

The main powers of the medical practitioners tribunal are set out in sections 35D and 38 of the Act.

The procedure followed before and at medical practitioners tribunal hearings is set out in Rules 15 to 17.

Other parts of the [Act and Rules](#) also apply to medical practitioners 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 medical practitioners 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 medical practitioners 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 medical practitioners tribunal on

points of law and procedure. The legal assessor does not take part in the medical practitioners tribunal's decision making.

## Others

A legal representative instructed by the GMC will attend and 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 medical practitioners tribunal and the clerk.

## Where is the hearing centre and what does it look like?

Our hearing centre is located in central Manchester.

[Find out how to get to us.](#)

You can also [take a virtual tour of the hearing centre.](#)

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