

Part 10: During your medical practitioners tribunal hearing – sanction stage

Key points

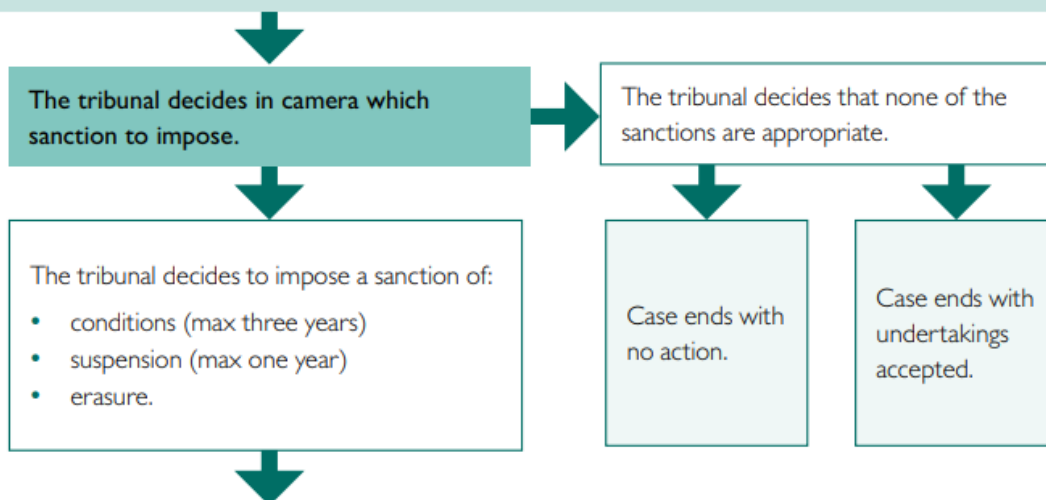
- ▶ This stage focuses on whether the medical practitioners tribunal should impose a sanction on your registration.
- ▶ Both you and the GMC will have the opportunity to call witnesses and make submissions.

Overview of the sanction stage

Previous history, mitigation and sanction

The GMC's representative tells the tribunal what sanction they think is appropriate.

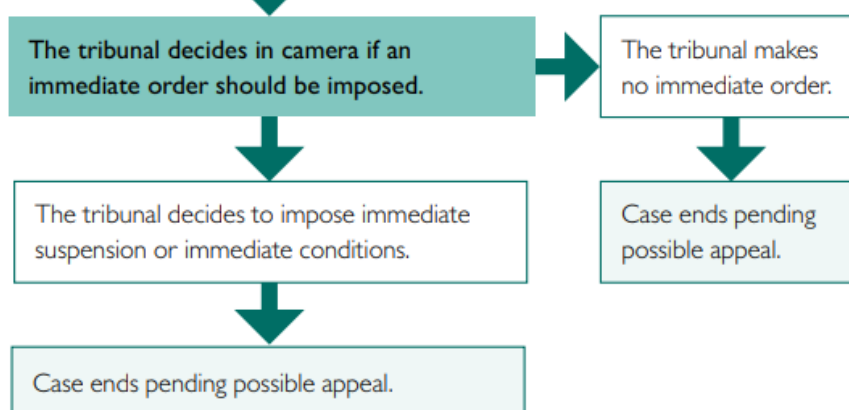
You, or your representative, comment on the proposed sanctions and present evidence to support your character and mitigate the possible sanctions. You may also offer undertakings. These must be agreed between you and the GMC before they can be considered by the tribunal.



Immediate orders

The GMC's representative tells the tribunal whether they think the sanction should be imposed immediately.

You, or your representative, tell the tribunal why the sanction does not need to be imposed immediately.



Purpose of sanctions

The medical practitioners tribunal's decision is not intended to be punitive, but it may have a punitive effect. The main reason for imposing sanctions is to protect the public, which includes:

- ▶ protecting, promoting and maintaining the health, safety and wellbeing of the public
- ▶ maintaining public confidence in the profession
- ▶ promoting and maintaining proper professional standards and conduct for the members of the profession.

Sanctions guidance

The medical practitioners tribunal will carefully apply our [Sanctions guidance](#) when deciding on the appropriate outcome. The *Sanctions guidance* outlines the factors that should be considered when deciding what sanction to impose.

Possible outcomes

The medical practitioners tribunal can:

- ▶ end the case with no change to your registration
- ▶ accept undertakings
- ▶ impose a sanction on your registration of:
 - ▶ specified conditions for up to three years
 - ▶ suspension for up to one year
 - ▶ erasure of your name from the medical register.

The medical practitioners tribunal cannot erase your name from the medical register if your case relates only to your health or your knowledge of English.

Summary

- ▶ This stage is about whether the medical practitioners tribunal should impose a sanction on your registration. This is for the medical practitioners tribunal to decide, exercising their judgement and applying relevant guidance and case law.
- ▶ The GMC's representative will tell the medical practitioners tribunal the sanction they think is appropriate. This recommendation will be based on the *Sanctions guidance*.
- ▶ You or your representative will make a submission to the medical practitioners tribunal setting out your views on the appropriate sanction, as well as providing any further character or mitigation evidence. When considering your submissions, you may find it helpful to consider the following.
 - ▶ You can offer to voluntarily restrict your practice, which is known as an undertaking, for the medical practitioners tribunal to consider as an alternative to imposing a sanction. Undertakings can be presented for the medical practitioners tribunal's consideration only if they have been agreed between you and the GMC. If you wish to suggest written undertakings, you should refer to [Agreeing a doctor's undertakings](#), which lists the kind of restrictions that the medical practitioners tribunal may agree to, and our guidance document on undertakings, [Undertakings at medical practitioners tribunal hearings](#).
 - ▶ If the medical practitioners tribunal imposes conditions on your registration to set out the limits within which you may practise, they will consider the guidance [Imposing conditions on a doctor's registration](#). This document sets out the wording the medical practitioners tribunal should use when imposing conditions.
- ▶ The legally qualified chair/legal assessor may then advise the medical practitioners tribunal before they retire in camera to make their decision about whether or not to impose a sanction.
- ▶ Both you and the GMC representative will be invited back into the hearing room when the medical practitioners tribunal has made its decision. A written copy of the decision will be provided with reasons for the medical practitioners tribunal's outcome.

Any sanction cannot take effect until 28 days after notice is deemed to have been served on you. If the medical practitioners tribunal believes it is necessary to protect

patients, it can impose an immediate order of conditions or suspension. If you are at the hearing, or you have a legal representative present, this will take effect from when it is announced. If you are not at the hearing, it will be from when notification of the hearing outcome is deemed to have been served on you.

Next steps

Medical practitioners tribunal decides not to take no action

If the medical practitioners tribunal decides to take no action, that will be the end of the hearing.

Medical practitioners tribunal decides to impose a sanction of conditions, suspension or erasure

Any sanction cannot take effect until 28 days after notice is deemed to have been served on you. If the medical practitioners tribunal decides to impose a sanction, the medical practitioners tribunal will then consider whether it is necessary to protect patients by imposing an immediate order of either conditions or suspension.

- ▶ Both the GMC's representative and you or your representative will be able to address the medical practitioners tribunal about whether an immediate order should be made.
- ▶ The legally qualified chair/legal assessor may then advise the medical practitioners tribunal before they retire in camera to make their decision about whether an immediate order should be made.
- ▶ Both you and the GMC representative will be invited back into the hearing room when the medical practitioners tribunal has made its decision. A written copy of the decision will be provided with reasons for the medical practitioners tribunal's outcome.

After the medical practitioners tribunal announce their decision on an immediate order, that will be the end of the hearing.

If you are in attendance at the hearing, any immediate order made will take effect from when it is announced. If you are not present, any immediate order made will take effect from when notification of the hearing outcome is deemed to have taken place. If you appeal the sanction, the immediate order will remain in place until the appeal concludes or is withdrawn.

If you'd like to provide feedback on *Resource for doctors: medical practitioners tribunals* please go to: www.smartsurvey.co.uk/s/ResourceforDoctors_MPT_Part10/