

Part 3: Hearing dates and pre-hearing case management

Key points

- ▶ You may be invited to participate in a telephone conference to set your hearing date. For shorter hearings, the dates will be set for you and notified to you in writing.
- ▶ You will be given instructions, known as case management directions, to comply with to make sure you are prepared for the hearing. It is important to comply with these directions, as there can be consequences for failing to do so.
- ▶ If you think it isn't possible for your medical practitioners tribunal hearing to go ahead on the scheduled dates, you may apply for a postponement. It is important you set out the reasoning for your application clearly, along with any evidence.

How and when will the hearing dates be set?

Once the GMC has informed you that your case has been referred to a medical practitioners tribunal hearing, the GMC will notify the MPTS that a hearing date is required. We use our case management procedure (explained below) to allocate hearing dates.

We aim to set a hearing date as soon as possible, taking into account the complexity of the case and the preparation time reasonably required by you and the GMC. We will list the hearing to start within the service target period for your hearing – this will be within six or nine months, depending on the type of case. Further information about case types and service targets can be found in our [case management procedure guidance](#).

Case management procedure

What is case management for?

We use case management to:

- ▶ encourage you and the GMC to prepare your cases, and to cooperate with each other to keep delays to a minimum
- ▶ facilitate the effective and efficient running of MPTS hearings
- ▶ minimise the stress on you and on witnesses at a hearing by setting up an effective channel of communication during the pre-hearing period and seeking agreement about a number of key issues.

The case management procedure can't be used to challenge the GMC's decision to refer your case to a medical practitioners tribunal hearing, or to determine any of the facts in your case. You should make sure that you focus on preparatory issues, such as whether you want to rely on a report from an expert.

Although taking part in case management is voluntary, we strongly encourage you to do so. Participation will help structure your preparation for the hearing and will provide an opportunity to ask questions about the hearing process.

What does the procedure involve?

Depending on the estimated length and complexity of your hearing, the case management procedure may include:

- ▶ **Direct listings:** Cases that are expected to run for up to five days will usually follow the direct listings process. This means that our Listings team will set a hearing date for you, without the need for a listings telephone conference or a pre-hearing meeting (see below). You and the GMC will be given written case management directions to comply with before your hearing.
- ▶ **Listings telephone conferences:** These happen in most cases that are expected to run for more than five days. The listing telephone conference will be held between you and the GMC, chaired by a member of our Listings team. Further information about listing telephone conferences, including an agenda for the discussion, can be found in our [case management procedure guidance](#).
- ▶ **Pre-hearing meetings:** These happen in most cases expected to run for more than five days, but are available for shorter hearings where required. The pre-hearing

meeting will be chaired by one of our legally qualified case managers. Information on the pre-hearing meetings process is set out in Rule 16. The case manager plays a critical role in making sure that you and the GMC prepare properly for the hearing, and that the hearing will progress as smoothly as possible. Further information about pre-hearing meetings, including an agenda for the discussion, can be found in our [case management procedure guidance](#).

What happens at listings telephone conferences?

At a first listings telephone conference, we will set provisional hearing dates. You and the GMC will also be issued with listings instructions, which set out the key deadlines for you and the GMC to prepare and disclose written evidence. More information about different types of evidence can be found in [Part 6](#).

At a second listings telephone conference, we will ask both parties to confirm how their preparations are progressing and will issue further listings instructions, where necessary.

What happens at pre-hearing meetings?

In most cases a pre-hearing meeting will take place after the first listings telephone conference. We will invite you and the GMC to take part in the pre-hearing meeting, which will be chaired by a legally qualified case manager. Pre-hearing meetings are usually held by telephone conference. If your case needs a prehearing meeting, we will tell you and give you information about what to do.

The case manager will work with you and the GMC to resolve any outstanding issues regarding hearing preparation, where possible. We strongly encourage you to take part in the pre-hearing meeting, as it will give you the chance to ask questions and will help you identify the steps you need to take to prepare for the hearing.

The case manager can give legally binding directions to you or the GMC. For example, the case manager may give dates by which evidence must be gathered and shared. You and the GMC will both be expected to comply with all case management directions (see below).

How to prepare for a listings telephone conference or pre-hearing meeting

When preparing for a listings telephone conference or pre-hearing meeting, you may wish to consider the following points.

- ▶ Carefully read our [case management procedure guidance](#). This gives further details about what to expect, including an outline agenda, which will usually be followed. Make notes of any points you wish to raise and any questions you would like to ask.
- ▶ Make sure that you have somewhere quiet to dial into the listings telephone conference or pre-hearing meeting where you will not be interrupted and can speak freely. Listings telephone conferences may take up to 30 minutes. Pre-hearing meetings usually last up to one hour.
- ▶ For a first listing telephone conference, you should have details of your availability (and that of any witnesses you intend to call to give evidence). If you wish to make a request for your hearing to take place outside of the service target period, then you need to apply in writing to the MPTS, setting out the reasons for your request. Requests cannot be considered during the listing telephone conference.

Will I get a record of the listings telephone conference or pre-hearing meeting?

Within seven days of the listings telephone conference or pre-hearing meeting, we will send you and the GMC a written record of the discussions. This will not be a full transcript of the discussions, but will highlight the main areas discussed. The written record will record any listings instructions or case management directions made. A copy of the written case management records will also be provided to the medical practitioners tribunal hearing your case, so that they know what was discussed and directed.

What happens if I don't take part?

If you choose not to participate, the case management procedure will continue without you. You will still be sent copies of the written record and you will be expected to comply with the listings instructions and case management directions you have been given.

Complying with Rules and case management directions

The medical practitioners tribunal hearing your case will expect that both you and the GMC will have complied with the [Rules](#) and case management directions, unless there has been a significant change in circumstances.

If you or the GMC do not comply with the Rules or case management directions, the medical practitioners tribunal can take the following actions:

- ▶ draw an adverse inference
- ▶ refuse to admit evidence
- ▶ award costs.

It is therefore in your best interests to make sure that you comply with all of the Rules and case management directions given to you. **Failure to do so could have important consequences.**

Further information about the possible consequences of not complying with the Rules or case management directions can be found in [Part 11](#).

If you'd like to provide feedback on *Resource for doctors: medical practitioners tribunals* please go to: www.smartsurvey.co.uk/s/ResourceforDoctors_MPT_Part3/