

## Part 4: Preparing for the interim orders tribunal hearing

### Key points

- ▶ If you attend the hearing, you may make oral and/or written submissions. Witness evidence is not usually received at interim orders tribunal hearings
- ▶ If you will not attend the hearing, you may provide written submissions
- ▶ Whether you intend to provide oral or written submissions, it is important you prepare your submissions carefully and in advance of the hearing
- ▶ Any documents should be provided as soon as possible prior to the hearing

### Reviewing the hearing bundle

You will have received the hearing bundle with the GMC letter notifying you of your referral to the interim orders tribunal. If you have not received a copy of the bundle, or require it in a different format, you should urgently notify your GMC contact.

The hearing bundle will contain the documents the GMC intends to present to the interim orders tribunal to explain why the GMC believes an interim order is required. You should carefully consider the documents included within it.

If you want to refer to material that is not in the hearing bundle, you need to send this to MPTS without delay before the hearing. The MPTS will make this information available to the interim orders tribunal. If you can't send the documents in advance, you can submit them on the day of the hearing. If your bundle of additional documents is large, you should highlight key documents for the interim orders tribunal to consider, with page numbers for ease of reference.

If you plan to produce any patient identifiable information at the hearing we would remind you of the GMC guidance on [Confidentiality: good practice in handling](#)

[patient information](#). It's important to ensure that documents you disclose comply with your responsibilities under data protection legislation. The party relying on a document is responsible for ensuring that any personal data appearing in that document is appropriately redacted.

## Issues to be considered

At the hearing the IOT will consider whether to restrict your registration on an interim basis, either by placing conditions on or suspending your registration. The interim orders tribunal will apply our [guidance for interim orders tribunal decision makers](#). You may find it helpful to refer to this guidance to understand the issues the interim orders tribunal will consider, which will include:

- ▶ The seriousness of risk to members of the public if a doctor continues to hold unrestricted registration. In assessing this risk the interim orders tribunal will consider the seriousness of the allegations and the weight of the information, including information about the likelihood of a further incident or incidents occurring during the relevant period
- ▶ Whether public confidence in the medical profession is likely to be seriously damaged if a doctor continues to hold unrestricted registration during the relevant period
- ▶ Whether it is in the doctor's interests to hold unrestricted registration. For example, where a doctor may clearly lack insight into the seriousness of a health condition and needs to be protected from him or herself.

In weighing up these factors, the interim orders tribunal will carefully consider the proportionality of their response in dealing with the risk to the public interest (including patient safety and public confidence) and the adverse consequences of any action on a doctor's own interests. It is worth noting that the interim orders tribunal cannot accept any undertakings offered by a doctor as it has no power to accept them and they are unenforceable.

## Types of submissions

During the interim orders tribunal hearing, you will be given the opportunity to present your case for consideration by the interim orders tribunal: this is called a submission. The GMC representative will make submissions on behalf of the GMC and then you will be invited to present your case. There are two types of submission you can make, which are explained below.

## Oral or verbal submissions

Oral submissions are when you make your arguments to the interim orders tribunal by speaking at the hearing in person. If you are represented at the hearing (see Part 2 for further information about representation), your representative will make submissions on your behalf.

It is strongly advisable to prepare your oral submissions in advance. To do this, you may wish to prepare an outline or bullet point list to help you remember the points you want to make.

## Written submissions

If you do not intend to attend or be represented at the hearing, you may send written submissions instead. You may also find it helpful to make written submissions if you plan to attend the hearing but are concerned about public speaking or to make sure that you make all the points you want to.

It is essential to prepare and send your written submissions to the MPTS in advance, ideally by email to our interim orders tribunal team at [IOTAdmin@mpts-uk.org](mailto:IOTAdmin@mpts-uk.org). This will allow us to ensure that your written submissions are provided to the interim orders tribunal.

## Preparing and making submissions

When planning your submissions you may find it helpful to consider:

- ▶ The reasons why the GMC has referred you to an interim orders tribunal hearing
- ▶ Whether or not you agree that an interim order is required, and why.

Always adopt an organised approach to planning your submissions:

- ▶ Organise your points in a logical order, using clear headings
- ▶ Think about how to break down the points you want to make, so that you can present your argument in manageable chunks. For example, if you have four reasons which support your view, say so and refer to each reason by number ('my first reason is...my second reason is...' etc.)
- ▶ Be prepared to tell the interim orders tribunal where to find each piece of evidence that supports your position (for example, by referring to the page number in the hearing bundle). This way you can be confident that they are

reading the information you want to draw to their attention while you are making the points you want to about it.

Use plain English and aim to be as concise as possible, using short sentences. While you will be given the opportunity to make the points you wish to, the interim orders tribunal often has several cases to consider on the same day and will expect your submissions to be focused.

## **Practical points for oral submissions**

- ▶ Before the hearing, practise what you want to say by saying it out loud to a friend or family. This way you can check if it is easy to follow and understand and you can get a feel of the flow of your argument
- ▶ At the hearing:
  - ▶ Turn on the microphone in front of you, by pressing the button on the base. When you have finished speaking, remember to turn your microphone off
  - ▶ Make sure you speak clearly and slowly so that the interim orders tribunal can take notes, which it will refer to throughout the hearing and in making its decisions
  - ▶ When you finish your sentence, if the interim orders tribunal is still writing, wait. When the interim orders tribunal stops writing, start speaking again
  - ▶ Don't interrupt the GMC representative when they are speaking to the interim orders tribunal. You will be given a chance to speak when it is your turn. If, however, you think that you need to interrupt, make sure you do it in the right way: address the Chair when the GMC representative comes to the end of their sentence and explain the reason for your interruption
  - ▶ Listen carefully to any questions asked by the interim orders tribunal and answer them clearly
  - ▶ Try to stay calm and avoid using strongly emotional language.

## **Practical points for written submissions**

- ▶ Typed written submissions are preferable to hand written notes
- ▶ Use a large font like Arial 14. It makes it clear to read
- ▶ Use headings to signpost each point you are making, and use bullet points or numbered points to make your arguments clear.

If you'd like to provide feedback on *Resource for doctors: interim orders tribunals*, please go to: [www.smartsurvey.co.uk/s/ResourceforDoctors\\_IOT\\_Part4/](http://www.smartsurvey.co.uk/s/ResourceforDoctors_IOT_Part4/)