

Part 5: During your interim orders tribunal hearing

Key points

- ▶ If you are attending your hearing, arrive at the MPTS hearing centre in good time to avoid delays
- ▶ You will be given the opportunity to present your case to the interim orders tribunal and will receive a written decision regarding the outcome
- ▶ If you believe your hearing cannot proceed for some reason, you can apply to the interim orders tribunal for an adjournment. If the adjournment is refused, then the hearing will continue as planned

Arriving for your hearing

On the day of your hearing, you should aim to arrive at the MPTS hearing centre at least half an hour before your hearing is due to start. [Find out further information about our hearing centre.](#)

Please report to the MPTS reception desk on the 7th floor of St James's Building, where you will be greeted by MPTS staff. They will direct you to your private waiting room. The waiting room will be available to you throughout the hearing. Free hot drinks and water are available.

Because several cases usually take place on the same day, there may be some waiting time. As the length of hearings can vary quite considerably, please be aware that this can have an impact on the actual start time of hearings.

Before your hearing starts

A MPTS tribunal assistant will provide you with updates on when the interim orders tribunal will be ready to start your hearing.

If you are self-represented, the MPTS tribunal assistant will also ask if you would like any pastoral support during the day from the MPTS doctor contact service. This service is provided by a member of MPTS staff unconnected to your hearing, to help lessen any isolation and stress, signpost useful support materials and services and provide information about the hearing process. The MPTS staff member will not be able to discuss your case or provide legal advice.

Where possible, the GMC's legal representative may also introduce themselves to you or your representative before the hearing.

In the hearing room

At the beginning of the hearing, the interim orders tribunal Chair will introduce the tribunal members and open the hearing by asking you to confirm your full name and GMC number.

The GMC's barrister will present the GMC's case first. Listen carefully to their oral submissions. You may wish to make notes as they are speaking, noting down anything you want to add to your submissions in light of the GMC's comments.

You (or your representative, if you have one) will then be given the opportunity to present your case. You must make sure that your submissions are limited to the question of whether, given the circumstances of the case, it is necessary to impose an interim order and, if so, what type of order. The interim orders tribunal may also ask questions if they need any further information.

After submissions from both sides, the interim orders tribunal will make their decision. This is done in private session (also known as 'in camera' discussions) without the parties to the proceedings being present. During this time, the interim orders tribunal will make its decision and produce a written determination.

Once this has been completed, the MPTS tribunal assistant will ask you and the GMC's representative to return to the hearing room. The interim orders tribunal Chair will then announce the decision and copies of the written determination will be handed out. At this point the hearing will end.

If you have chosen not to come to the hearing, we will send you written notification of the hearing outcome by registered post and by email if you have given us an email address to use.

Hearing outcomes

The outcome of your hearing will be one of the following:

- ▶ No order made
- ▶ Interim order of conditions – this means that you must comply with the conditions specified by the interim orders tribunal in their decision until the order expires or is otherwise revoked or varied by the interim orders tribunal. Interim conditions take effect immediately. The conditions the interim orders tribunal put in place will be based on the [conditions bank](#) available on the MPTS website
- ▶ Interim order of suspension – this means that your registration is suspended and you will not be able to practice until the order expires or is otherwise revoked or varied by the interim orders tribunal. Interim suspension takes effect immediately.

Length of your interim order

The length of your interim order will be specified in the interim orders tribunal's written decision. The interim orders tribunal may make an interim order for up to 18 months.

In deciding the length of order the interim orders tribunal will consider the time that is reasonably needed to complete the GMC's investigation into the allegations. This may include the time required for the GMC to obtain assessments of health and or/performance and for the case to be listed for hearing by a medical practitioners tribunal.

Adjourning your hearing

Both you and the GMC can apply to have your hearing adjourned. An adjournment application can be made to the interim orders tribunal in person for the hearing to be temporarily stopped for a period of time (for example, 30 minutes or more) or adjourned to another day. The interim orders tribunal can also decide to adjourn the hearing without receiving an application if it feels it appropriate to do so.

You can apply to adjourn the hearing at any stage once it has begun, as set out in Rule 29(2). Before deciding whether to adjourn, the interim orders tribunal will hear submissions from you and the GMC about the application. If you are requesting an adjournment you should be prepared to explain why an adjournment is necessary and the length of adjournment required.

The legally qualified chair or the Legal Assessor (as applicable) may advise on any issues of law or procedure that the interim orders tribunal must consider in making its decision. If the legally qualified chair or Legal Assessor gives advice before the interim orders tribunal begins deciding the application, you and the GMC will hear it and be able to respond.

The interim orders tribunal will then consider the application and make a decision in private session. It will then announce its decision to the parties.

If an application for an adjournment is refused, you and the GMC will be expected to be ready to continue with the hearing. If the interim orders tribunal accepts the application, or if it decides on its own motion to adjourn, the hearing will be adjourned for an agreed period or to a date to be fixed by us.

If you'd like to provide feedback on Resource for doctors: interim orders tribunals, please go to: www.smartsurvey.co.uk/s/ResourceforDoctors_IOT_Part5/