

## Part 7: During your medical practitioners tribunal hearing – starting the 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 medical practitioners 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 medical practitioners tribunal for an adjournment. If the adjournment is refused, then you and the GMC will be expected to continue with the hearing 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 how to get to our hearing centre.](#)

Please report to the MPTS reception desk on the 7<sup>th</sup> floor of St James's Building, where you will be greeted by MPTS staff. You will then be signed in and provided with a security pass which will allow you to get through security doors.

An MPTS staff member will then escort you to where your hearing will be taking place and you will be shown your private waiting room – this waiting room will be available for your use only for the whole of your hearing. There are free hot drinks and water situated on the corridors, and free public Wi-Fi is also available. If you are unable to access any of these facilities, please contact a MPTS staff member for assistance.

If you'd find it useful, you may be able to visit an empty hearing room, if one is available, to look at the layout before your hearing starts. Please speak to a MPTS tribunal assistant if you would like to do this.

## Before your hearing starts

A MPTS tribunal assistant will provide you with updates on when the medical practitioners 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 be able to go into the hearing with you, but will not be able to help you prepare for your hearing or advise on the proceedings.

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

## Hearing timetable

The medical practitioners tribunal chair is responsible for the timetable, but the day will usually start at 9.30 am and will finish around 5 pm. There is a lunch break of about an hour, usually sometime between 12 pm and 2 pm, and a 15-minute break mid-morning and mid-afternoon.

If you need a break for whatever reason at any time in connection with the case – for example, to write up your arguments – please ask for permission from the medical practitioners tribunal chair.

If a hearing lasts for more than one day, then it will adjourn at the end of each day and start again on the following morning. The medical practitioners tribunal may also adjourn for longer periods if further evidence needs to be obtained or if a witness is ill. Information about applying for adjournment is provided separately below.

## In the hearing room

At the beginning of the hearing, the medical practitioners tribunal chair will introduce the tribunal members.

## **Preliminary legal arguments**

Before the medical practitioners tribunal begins to consider the allegations, preliminary legal arguments will be dealt with, if there are any. See [Part 5](#) for more information about preparing for preliminary legal arguments. If either party is applying for the hearing to be adjourned, this will also be considered at this time.

Before deciding how to proceed, the medical practitioners tribunal will usually hear submissions from both parties. The legally qualified chair or the legal assessor will then give advice to the medical practitioners tribunal in public. The medical practitioners tribunal will then retire in camera to reach its decision before issuing its determination, which will usually be read out or handed down in public and made available to both parties.

### **Confirming your details**

If you are present, the chair will ask you to confirm your name and GMC number.

The hearing can take place without you or your representative, in which case the chair will ask the GMC's representative to confirm your name and GMC number. This may occur only when the medical practitioners tribunal is satisfied that all reasonable efforts have been made to give you notice of the hearing, and has taken into account all the factors relevant to your case. Otherwise, the hearing could be adjourned to a later date.

After your details have been confirmed, the chair will ask the GMC's representative whether they wish to change any details about the allegation. This may be, for example, to correct any spelling mistakes or to amend parts of the allegation if they do not accurately reflect the concerns in the case. If the GMC's representative does propose an amendment, you will be given opportunity to comment on this. The medical practitioners tribunal will then hear any legal advice from the legally qualified chair/legal assessor and then retire in camera to make its decision.

### **Admitting to the facts**

The chair will ask you if you wish to admit any of the alleged facts. You may have informed the GMC and MPTS about your admissions at an earlier stage, but the medical practitioners tribunal will ask you to confirm admissions. The chair will formally announce that any admitted facts are 'admitted and found proved'. Further information about making admissions is available in [Part 5](#).

If all the facts are admitted and found proved, the medical practitioners tribunal will then move on to consider whether, on the basis of the facts found proved, your fitness to practise is impaired (stage two). Further information about this stage is available at [Part 9](#).

## Disputing the facts

Where facts remain in dispute, the case will move to stage one. Further information about this stage is available at [Part 8](#).

## Adjourning your hearing

Both you and the GMC can apply to have your hearing adjourned. An adjournment application can be made to the medical practitioners 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 medical practitioners tribunal can also decide to adjourn the hearing 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 medical practitioners 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 medical practitioners tribunal must consider in making its decision. If the legally qualified chair or legal assessor gives advice before the medical practitioners tribunal begins deciding the application, you and the GMC will hear it and be able to respond.

The medical practitioners 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 medical practitioners 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: medical practitioners tribunals* please go to: [www.smartsurvey.co.uk/s/ResourceforDoctors\\_MPT\\_Part7/](http://www.smartsurvey.co.uk/s/ResourceforDoctors_MPT_Part7/)