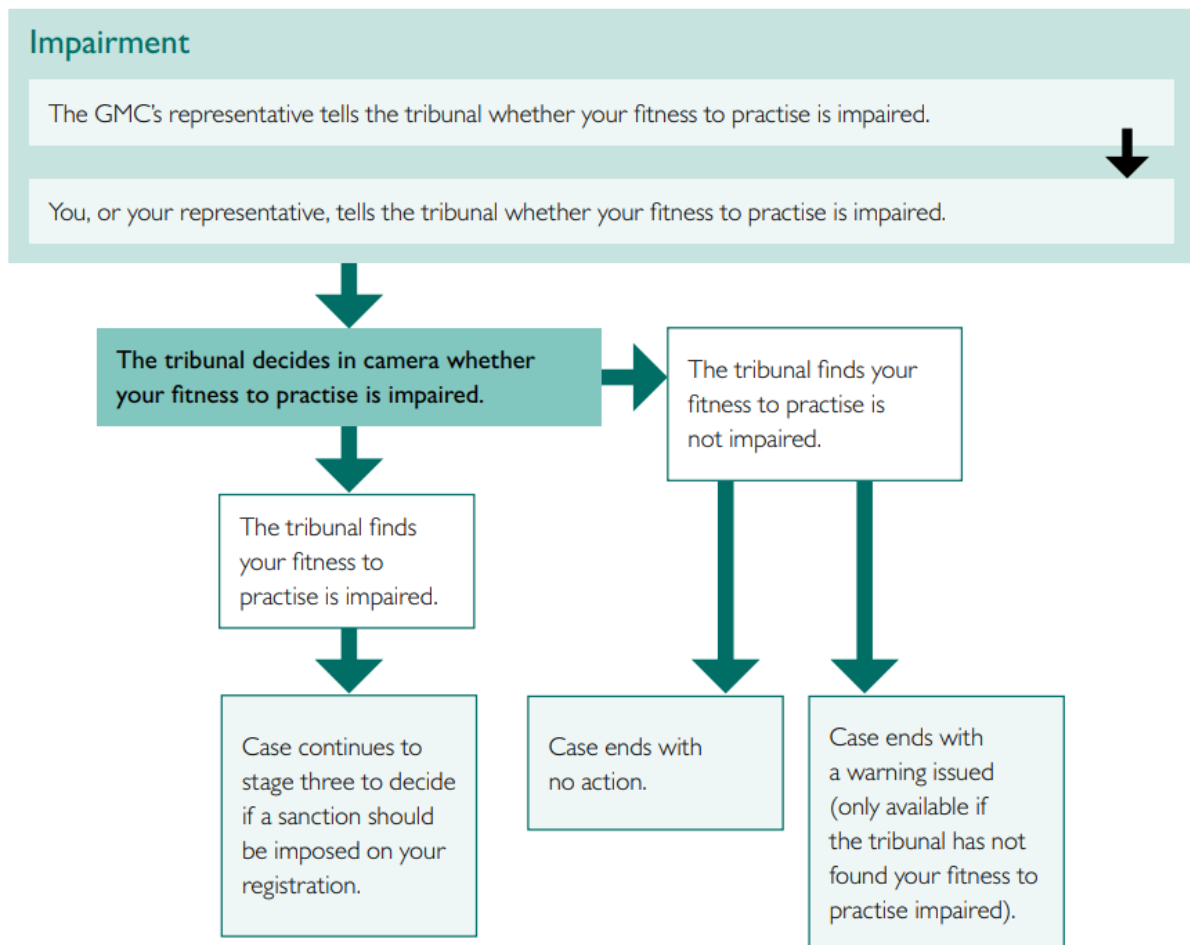


Part 9: During your medical practitioners tribunal hearing – impairment stage

Key points

- ▶ This stage focuses on whether your fitness to practise is impaired due to the allegations found proved at the facts stage. Neither you nor the GMC can argue about whether the facts have been proved at this stage.
- ▶ Both you and the GMC will have the opportunity to call witnesses and make submissions.

Overview of the impairment stage



Summary

- ▶ This stage is about whether the facts that have been proved show that your fitness to practise is impaired. This is for the medical practitioners tribunal to decide, exercising their judgement and applying relevant case law.
- ▶ Both the GMC's representative and you or your representative will be able to address the medical practitioners tribunal about whether your fitness to practise is impaired.
- ▶ In relevant cases, both parties can present additional evidence relating specifically to impairment. For example, you may wish to present evidence to the medical practitioners tribunal about the insight you have into the concerns into your fitness to practise, and any steps you have taken to address those concerns. If you have obtained evidence from testimonial witnesses, this may also be relevant at this stage.

- ▶ 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 your fitness to practise is impaired.
- ▶ 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.

Next steps

Medical practitioners tribunal finds your fitness to practise is impaired

If the medical practitioners tribunal decides that your fitness to practise is impaired, it will go on to consider if any sanction should be imposed (Stage 3 of the hearing process). Further information about this stage is available at [Part 10](#).

Medical practitioners tribunal finds that your fitness to practise is not impaired

If the medical practitioners tribunal finds that your fitness to practise is not impaired, it may ask both parties whether they think you should be given a warning. The medical practitioners tribunal will apply the GMC's [Guidance on warnings](#) when making their decision.

The medical practitioners tribunal may give a warning where a doctor's fitness to practise is not impaired but where there has been a significant departure from the guidance set out in the GMC's guidance for doctors, [Good medical practice](#). The medical practitioners tribunal may also give a doctor a warning if they have significant cause for concern about some part of a doctor's practice, but a restriction on the doctor's registration is not necessary.

Warnings issued after 26 February 2018 are published against a doctor's entry in the medical register for two years. After that, only a doctor's employer can find out about the warning by asking the GMC.

- ▶ Both the GMC's representative and you or your representative will be able to address the medical practitioners tribunal about whether a warning should be given.

- ▶ 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 give a warning.
- ▶ 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 a warning, that will be the end of the hearing.

If you'd like to provide feedback on *Resource for doctors: medical practitioners tribunals* please go to: www.smartsurvey.co.uk/s/ResourceforDoctors_MPT_Part9/