

Tribunal Circular

This is the public version of the circular published on 25 April 2018 - all guidance to tribunal members is included below; only internal or administrative matters have been redacted.



25 April 2018

To: MPTS Associates
Cc: Tribunal Clerks
Medical Defence Organisations

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Changes to the observation process

We conduct observations based on the competency framework for individual Tribunal Members which provide detailed feedback and can support ongoing development. We consider that this is an essential part of our appraisal process and can assist individuals to recognise and use the skills required to contribute to high quality decision making which in turn can help us ensure cases are dealt with fairly and justly.

We have conducted observations since 2013 and to date have responded to any objections to these observations by limiting or ceasing the observation. Where we have had to do this the observation feedback was more limited and, in turn, not as useful for the recipient. We consider that effective observations should extend to all parts of a hearing and that this is appropriate for the proper support and development of our appraisal process.

We will therefore be making some adjustments to our processes.

These include:

- The Tribunal Member to be observed and the Chair of the hearing will be the only members of the Tribunal informed in advance of the observation;
- The doctor/their representative and/or the GMC representative will not be notified that an observation is due to take place in advance of the hearing;
- The Chair will inform parties at the relevant time that an observation of a tribunal member is taking place and the observer will remain in the room with the tribunal during private or in camera discussions. They will make clear that the observer plays no role whatsoever in any discussions or decision-making.

These changes will come into effect for any observations that are due to occur on or after **Tuesday 1 May 2018**.

Objections

We do not anticipate a high number of objections and parties were informed of these changes at the Tribunal User Group meeting on 20 March 2018.

Following the implementation of the changes, we will continue to ensure that we are aware of exceptional circumstances or vulnerabilities that would mean an observation is not appropriate. There is no change to the current observation process for those being observed.

We hope that these improvements to the observation process will enable us to provide an appraisal system that is more robust and complete. Feedback from those who have been observed has indicated that observations are a valued and useful tool and we hope that associates will continue to benefit from these moving forward.

If you have any further queries regarding the observation process, please do not hesitate to contact us.

Kind regards

Tribunal Development Section

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