

Tribunal Circular

30 March 2020

Seventh floor
St James's Buildings
79 Oxford Street
Manchester
M1 6FQ

0161 923 6263
enquiries@mpts-uk.org
www.mpts-uk.org

To: MPTS Associates

CC: Tribunal Clerks

Proof of service and timings for virtual hearings

Proof of service for virtual hearings

Currently the GMC is sending correspondence to doctors and their representatives by email, where this has been agreed to. Where a GMC notice of referral to the IOT cannot be sent by email this will be posted first class to the doctor, with a request for an email address to be provided so that a copy of the hearing bundle can be shared. The GMC is not able to print and send 'hard copies' of bundles to the doctor and their representative.

Typically, you will be aware that such notices of referral and bundles are sent by 'special delivery', however this is not a requirement under the Medical Act. In order to provide the Tribunal with additional reassurance of proof of service at this time the GMC will complete a certificate of service to produce at the hearing.

The MPTS considers that this approach should prove sufficient in the exceptional circumstances we face at the present time. Tribunals should be mindful that any request for further evidence of proof of service will not be possible at this time and should carefully consider this when reaching a decision on whether to proceed in the absence of a doctor.

Timings

Typically our hearings start at 09:30 and will run until 5pm with a mid morning and mid afternoon break and an hour break for lunch. We recognise that in some circumstances they may conclude slightly later where, with the agreement of those in the hearing, it may be best. This will remain as the timing arrangements for IOT hearings.

For MPT review hearings, we have observed that some hearings have taken slightly longer than they usually would when held through Skype for Business. We are therefore going to adjust the start time for MPT review hearings to **09:00**. The Tribunal is expected to join the hearing appointment at least 15 minutes before the hearing starts and Parties are to ensure that they have joined the hearing appointment in order to start at **09:00**. We will communicate directly to those with hearings scheduled to clarify this revised arrangement.

Our expectation is that the Tribunal Chair will manage timings in the hearing effectively, ensuring that consideration to adjourning and extending sanctions is made at the appropriate stage, where it is apparent the hearing may not conclude within the hearing day. It is essential to balance those considerations with the need to avoid part-heard hearings where reasonably possible, given the additional challenges we face with severely limited hearing capacity for the weeks and months ahead.

It is also important that the wellbeing of staff, the Tribunal and Parties is taken into account and therefore all hearing days **must conclude no later than 18:00**, where it has been considered necessary to extend the hearing day in order to conclude a hearing.

Kind regards
Tribunal Development Section
0161 240 7292
tribunaldevelopmentsection@mpts-uk.org