



Medical Practitioners Tribunal Service
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To: Tribunal Members

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Quality Assurance Group (QAG) – Learning Points

Happy New Year to you all. In 2018, I wish to continue our work to learn and reflect from our review of appeal outcomes and from our review of determinations within the Quality Assurance Group. I therefore wish to share with you the learning points that we have identified from the latter half of 2017.

Interim Orders Tribunals

Medico-legal work

Where a doctor states that the only work they propose doing during a period of interim conditions is medico-legal work, a Tribunal should consider all the aspects of that work, not only the presence or absence of direct patient contact. They should also bear in mind that the scope of the doctor's work could change and ensure that the test for whether an interim order is required has been correctly applied. If conditions are imposed, it is important that they accurately reflect the nature of the work that will be undertaken.

Variation of an order where the doctor is not present or represented

Where, at a review hearing, a doctor is not present or represented on the basis that it had been agreed by the parties the original order would be maintained, a Tribunal should not vary the order to make it more or less restrictive without carefully balancing fairness and considering whether it should adjourn the hearing and invite oral submissions from the parties.

Matters under consideration

It is important that Tribunals address all matters before them, and give clear reasons for their decisions. Where a Tribunal does not deem it necessary to address a matter then reasons should be given to demonstrate why they considered the matter had little or no relevance and how they arrived at that decision.

The MPTS makes impartial decisions in doctors' fitness to practise hearings. The MPTS is part of the General Medical Council, but it is operationally separate and it is accountable to Parliament.

Imposing conditions

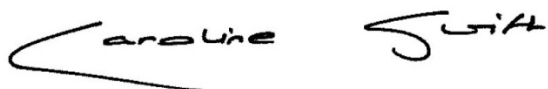
The conditions bank has been created to ensure that the conditions are appropriate, proportionate, workable and measurable. Where a Tribunal considers it necessary to impose a bespoke condition they should consider whether it meets the above factors.

Reviews on paper

Templates are provided to assist those drafting determinations for reviews on the papers. The suggested structure, including a brief summary of the background of the case and the reason for the previous decision, is provided to help you to produce a determination which will enable the reader to fully understand the rationale for your decision to accept [or not] the agreed submissions.

I hope that these learning points are helpful and would welcome any discussion on matters that are contained within them.

Yours sincerely

A handwritten signature in black ink that reads "Caroline Swift". The signature is written in a cursive style with a large, sweeping initial 'C'.

Dame Caroline Swift
MPTS Chair