

## Tribunal Circular

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CC: Tribunal Clerks

### Quality Assurance Group (QAG) – Learning points

The Quality Assurance Group wish to share with you the learning points that have been identified from their monthly review of Medical Practitioners and Interim Orders Tribunals determinations in the first quarter of 2020.

#### Impairment by reason of a conviction or caution

Tribunals should ensure, when considering a case of impairment by reason of a conviction or caution, that a summary of the circumstances surrounding the conviction or caution is provided in the determination. In addition to this a summary of the evidence should be included, in particular that of the doctor if given, to aid understanding of the Tribunal's decision.

It is also important that Tribunals are consistent throughout the determination with the terminology used. For example, a '*conditional*' caution is similar to, but not the same as, a '*simple*' caution and the phrases are not therefore interchangeable.

#### Publication & Disclosure policy

We wish to remind Tribunals of the [Publication & Disclosure policy](#) and highlight the need for Tribunals to be mindful of our obligation to redact names and identifiers in some circumstances. Tribunals may wish to consider how they set out their determination when it is clear that redaction may be required to ensure decisions remain as clear as possible even after redaction.

## **Amendments to standard conditions**

The [conditions banks](#) have been produced to ensure that the conditions can be monitored effectively. Where it is necessary for a condition from the bank to be amended or a bespoke condition formulated, it is important that the Tribunal ensures it is workable, proportionate and measurable. It will also be helpful to explain why that condition has been imposed.

## **Breach of conditions**

Where a doctor breaches a condition imposed on his or her registration, even where it is a technical or minor breach, it is important that the Tribunal fully addresses the breach. In such circumstances the Tribunal should explain how the breach occurred and why the Tribunal have determined to deal with the breach in the way that has been determined.

## **Postponement/adjournment requests**

When considering an application to adjourn proceedings, Tribunals should have regard to any earlier requests to postpone the hearing and the decisions made where applicable. It will be useful for the Tribunal to determine whether there has been any material change since any earlier application when reaching their decision.

## **LQCs and legal advice**

Where the hearing is chaired by a Legally Qualified Chair it is important, both in the hearing and during tribunal discussions, that there is clarity as to when legal advice is being given and when an individual opinion is being provided. It may therefore be helpful for the LQC to prefix any advice so this is clear.

Kind regards

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