

To: Tribunal Members

Legal Assessors

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Date: 03 July 2017

Quality Assurance Group (QAG) – Learning Points

As Chair of the Quality Assurance Group, I wish to share with you the learning points that we have identified from our monthly review of Medical Practitioners and Interim Orders Tribunals determinations in the second quarter of 2017.

Adjournments

The power to adjourn proceedings is contained within Rule 17(7), Rule 17(9) and Rule 29. Tribunals should ensure that when they are adjourning they refer to the relevant rule. We also want to remind tribunals that where they have adjourned a hearing under Rule 29(2), the Case Manager has the power under Rule 29(3A) to further adjourn the hearing should this be required.

Public/ Private Session

Rule 41 sets out the circumstances where hearings should be in public or private. In all hearings where the presumption is that the hearing is to be held in public, if the tribunal determines to have all or part of the hearing in private clear and concise reasons for this decision should be provided within the determination.

Terminology

Recent guidance from the PSA is that the term 'child sex abuse material' should be used rather than referring to 'child pornography/porn'. We have noted this feedback for future revisions to any relevant guidance but in the interim we would request that the suggested terminology is used where applicable in determinations.

We have observed that a number of determinations refer to 'submissions being a matter of public record'. We wish to remind you that transcripts are not routinely produced or necessarily freely available for the public and therefore consider it important that determinations include a summary of the submissions made to

ensure the decision stands alone.

Interim Orders Tribunals

Changes to the item sheet

We have been advised by the GMC investigation department that a number of changes have been made to the item sheet to further assist in reducing any unconscious bias. The item sheet no longer includes the Primary Medical Qualification, details of previous cases that concluded with action, any overseas regulator the doctor may be registered with.

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