

Tribunal circular

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To: MPTS tribunal members
CC: Tribunal clerks
Medical Defence Organisations

Effective management of tribunal hearings

Dear Tribunal Members

Further to recent feedback both from parties and Tribunals, we thought it would be helpful to remind you of some key points to ensure hearings are managed effectively.

Timings

Hearings should commence promptly on time, and parties and tribunal members should ensure that their availability is for the full duration of the hearing listing noting that hearings may run between 9am and 6pm.

Where there are delays during hearings, it is essential that clear and realistic time estimates are provided to all- this is particularly important for:

- Interim order hearings where more than one hearing may be scheduled to start at the same time- parties should be kept informed

in good time about their start times and advised promptly if it appears that a hearing may be adjourned. The tribunal should have careful consideration at the start of the day about the running order of hearings, and usually this will result in hearings where both parties are present being prioritised over hearings where the registrant is not present nor represented, dependent on the nature of the hearing.

- During any 'in camera' sessions, providing updates only 5 or 10 minutes before a scheduled 'return to hearing session' times is likely to create concern for parties and witnesses, therefore timings should be kept under review and if it appears likely that a time estimate previously provided to parties will not be met then parties should be informed at the earliest opportunity. Tribunals should carefully note what needs to be considered during the 'in camera' session and use experience to forecast realistic timings, reviewing progress at regular intervals throughout discussions so that any updates to timings that may be necessary can be shared to parties.
- Concluding hearings, where there should be careful consideration of timings if nearing the typical end of a hearing day. Hearings will be listed for set dates but it is often possible that hearings may conclude earlier; in these circumstances while hearing days usually conclude at 5pm, if the tribunal is very close to concluding the hearing they should carefully consider whether the hearing can conclude on that day if the tribunal sit after 5pm, recognising that this will often be preferable for parties so that decisions do not need to be delayed for a further day or over a weekend. Ensuring well-reasoned and clear decisions is, however, paramount and tribunals should ensure that they are able to meet the required standards when considering timings.

Venues

During the case management process, decisions will be made on the venue for the hearing taking into consideration the positions presented by the parties. The venue will be either specified as SJB or virtual.

The venue should remain the same for the full duration of the hearing except where there is a practical reason for a change of venue to be raised. Where a change in venue is raised, the tribunal should ensure all participants are in agreement and that there will be no impact on the hearing, including the hearing time remaining. It is important that no pressure is placed on parties to agree to a change in venue and if no agreement can be reached then the tribunal should consider whether it is fair and

proportionate to continue with the hearing at the allocated venue or if other arrangements are required, applying the guidance.

Bundles and addenda

Parties are reminded that it is important that bundles and addenda are provided to the MPTS in good time and in line with any case management directions that may be applicable. Late submissions of evidence may result in the tribunal needing additional time during the hearing to read any material which may impact on either whether the hearing can conclude on time, or -for interim hearings- whether there is sufficient time in the hearing day to commence the hearing and as such may contribute to adjournments. Tribunal members should ensure that they have prepared for hearings appropriately and alert parties if the lateness of any documentation being submitted has impacted any preparation so discussions can be had to help determine how any further reading should be scheduled into the hearing.

If you have any questions please contact us.

Tribunal Development

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