MPTS Committee  
Tuesday 13 November 2018  
10:00 – 13:00  
Meeting Room 7.70  
St James’s Building, Oxford St  
M1 6FQ

Agenda
1 Welcome and apologies for absence  
2 Declaration of interests  
3 Minutes of the previous meeting held on 11 September 2018  
4 Chair’s report (oral)  
5 Executive Manager’s report including MPTS risk register and performance data  
6 Report of the MPTS Committee to GMC Council  
7 Update from the Quality Assurance Group  
   Break for tea / coffee
8 Case management review  
9 Adjournments quarterly review  
10 The proposed MPTS business plan for 2019  
11 Review of the MPTS Committee’s work programme for 2019  
12 Any other business
13 Date and time of next meeting: Wednesday 6 February 2019, 10:00 – 13:00
MPTS Committee

Draft as of: 18 September 2018

To approve

Minutes of the meeting held on 11 September 2018

Members present

Dame Caroline Swift, Chair

Joy Hamilton
Patricia Moultrie

Jacky Hayden
Judith Worthington

Others present

Gavin Brown, Executive Manager, MPTS
Samantha Bedford, Case Manager, MPTS
Bernadette Beisty, Governance Officer, MPTS and Committee Secretary
Joanne Shepard, MPTS Data Manager (Item 5)
Shane Carmichael, Assistant Director Engagement and External Affairs GMC (Item 4)
Anna Rowland, Assistant Director Policy GMC (Item 7)
Colin Barker, Communications Manager, MPTS (Item 7)

1 These Minutes should be read in conjunction with the MPTS Committee papers for this meeting, which are available on our website at http://www.mpts-uk.org
Welcome and apologies for absence

1 The Chair welcomed members and attendees to the meeting.

2 There were no apologies for absence.

Minutes of the meeting held on 2 May 2018

3 The Committee approved the minutes of the meeting held on 2 May 2018 as a true record.

Action sheet update

4 The Chair noted that there was only one matter on the action sheet which needed discussion and this was the action concerning guidance on restorations. The Chair confirmed that there was guidance for doctors on restorations, which tribunals could consult, however no separate guidance for tribunals. The lack of guidance on restorations had been highlighted recently in the Court of Appeal’s judgment in the Chandra case. In response to the case the GMC have decided to prioritise issuing guidance on restorations for tribunals.

5 The Committee agreed that all actions on the action sheet apart from the action on guidance for restorations had been completed or had been picked up in the papers submitted to the meeting.

Chair’s report

6 The Chair provided an update on key activities and business since the last MPTS Committee meeting.

a Quality Assurance Group (QAG). Three QAG meetings have been held since the last MPTS Committee meeting. The QAG continues to monitor the quality of decisions.

b Observations of Legally Qualified Chairs (LQC)’. The Chair’s observations were very positive and the feedback in general has been that LCQs are settling in well.

c Annual training for tribunal members. The annual training started last week and feedback from the first cohort suggested that the e-learning module has been very useful.

d The first joint tribunal chairs’ training session with the Nursing and Midwifery Council (NMC) has been completed. The MPTS is monitoring the training carefully to ensure that quality standards are maintained.
e Tribunal circulars. The MPTS Legal team have produced regular circulars to update tribunal members on recent developments.

f A video and webinars have been used for training tribunal members for the first time. This new format for training has been well received and will be repeated when appropriate. Media training for three members of MPTS staff has been scheduled to improve the quality of future videos.

g Policy Forum meetings. Two meetings have been held since the last MPTS Committee meeting. These meetings are very helpful in maintaining MPTS awareness of policy changes across the GMC.

h Meeting with GMC Legal. Items of discussion with GMC Legal included case management; more detail is provided in the Executive Manager’s report.

i Adjournments Working Group. The Group continues to analyse the issues leading to the adjournment of hearings.

j Tribunal Members’ Forum. The Forum has been reinstated after a break of almost two years. An action from the Forum meeting in June was to formalise the Forum by setting out its purpose and taking steps to involve a wider pool of tribunal members. It was decided that the Forum should meet every six months. The Tribunal Development Section operates an open door policy for tribunal members and the Forum provides an alternative channel of communication.

k The MPTS Away Day focussed on MPTS staff learning and development. Feedback from staff was that they would welcome more opportunities for learning and development and the Away Day was a chance to explore this.

l GMC Council Meeting. The MPTS six monthly report submitted to Council in June was well received.

m GMC / MPTS Liaison Group. The meeting provided a useful forum for discussing issues to be considered by GMC Council.

n The Chair spoke at the Faculty of Advocates Conference, Edinburgh. The Conference included an interesting group of speakers and was very informative and useful.

o Sanctions Guidance review. Progress is being made by the MPTS Legal team on reviewing the Sanctions Guidance and the GMC policy team are being very supportive. Tribunal members have been given a preliminary opportunity to comment on the current version. There will be full public consultation at a later stage.
Appeals. The Chair updated the Committee on

- the training given to tribunal members as a result of learning points raised in recent appeals, mainly cases involving dishonest or sexual misconduct.

- the findings of the Court of Appeal in the recent case of Bawa-Garba. The Court emphasised that, whilst the task of a jury in a criminal court is to make decisions on past conduct and guilt or absence of guilt, the role of a medical practitioners tribunal (MPT) is very different. The MPT’s task, looking to the future, is to decide what sanction would most appropriately meet the statutory objective to protect the public. In this case, the MPT had properly carried out its task and the Court therefore upheld its original decision. The Chair reported that the findings of the Court had already been communicated to all tribunal members and the Court’s observations on the role of the MPT in conviction cases would form part of MPT training in the future.

Engagement with doctors and medical students

7 The Assistant Director, Engagement and External Affairs GMC attended the meeting and gave a presentation on the role of the Engagement and External Affairs team. The presentation also answered a number of questions raised at the previous MPTS Committee meeting on engagement with doctors and the need for doctors to have indemnity insurance.

8 During the discussion, the Committee noted:

a The approach and scale of engagement with doctors and how to include communications about the MPTS.

b The target set for the number of doctors attending the Welcome to UK practice workshops.

c The reframed language in letters sent to doctors based on behavioural economics methodology. This has been used to improve attendance at Welcome to UK practice workshops.

9 The following actions were agreed:

a Review whether appropriate questions could be added to the Welcome to UK Practice survey regarding awareness of the MPTS and indemnity insurance.

b The MPTS Communications team and the External Affairs team to work collaboratively on a communications strategy including the possibility of changing the language of the letters sent to doctors to see if this would help improve engagement.
Executive Manager’s report including performance data and risk register

10 The Executive Manager’s report provided an update on the operational performance of the MPTS including performance data and the MPTS risk register.

11 The Committee considered the report noting updates on the following:

   a **Performance.** The MPTS Data Manager highlighted the key points from the performance report at annex A of the Executive Manager’s report. The report contained historical analysis of key data sets helping to identify trends and themes. Future reports to the Committee would build on the thematic analysis of the data.

   b **Risk register.** No amendments to the risk register were requested. The Committee approved the MPTS risk register.

   c **Staff survey findings.** There were generally positive outcomes from the staff survey. Where staff had raised concerns actions had been identified. The MPTS Senior Management Team would continue to monitor the actions and continue to engage with staff to make improvements.

   d **Case management review.** The review will be considering how best to use our resources to manage hearings effectively and how to develop the service.

   e **Engagement analysis.** The Committee discussed the findings from the recent analysis of the reasons for doctors’ non-engagement with hearings and also discussed remote access for hearings to help improve doctors’ engagement with the tribunal process.

   Action identified from the discussion:

   i The Case Manager agreed to look into whether it was possible to signpost doctors to medical benevolent organisations which help doctors with financial support.

   f **Appeals.** The Committee requested that the language used in future appeals updates be simplified, this followed confusion regarding paragraph 40f of the Executive Manager’s report.

   g **MPTS staffing.** Update noted on movement of staff within the MPTS and new recruits.

   h **GMC Legal.** The meetings arranged between the MPTS and GMC Legal continue to provide a valuable forum for discussions. This collaborative working on practical
ways to make hearings more efficient is important, however does not undermine the operational separation of the MPTS and GMC.

i **Facilities.** Improvements to the 7th floor accommodation, SJB underway. The work should be completed by the next MPTS Committee meeting.

j **MPTS Committee work programme.** The Committee noted changes to the work programme.

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**Tribunal members resourcing update**

12 The paper detailed the tribunal members resourcing position including future appointment requirements.

13 The Committee discussed in detail the recruitment of medical tribunal members. Medical members continue to require a licence to practise. This can impact those individuals no longer in active clinical practice that would otherwise apply for roles.

14 **Action identified from the discussion:**

   a The Committee asked for an update at the next meeting on progress in providing a fact sheet on the recruitment process and revalidation options for those considering seeking appointment as medical tribunal members.

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**Annual review of the MPTS vision**

15 The Communications Manager, MPTS attended the meeting to present the paper on the annual review of the MPTS vision.

16 The Committee reviewed the paper and agreed the following:

   a It should be considered whether the vision statement should include reference to staff.

   b The reference to a ‘workbook’ was a working title only and should now be referred to as “resources for doctors”.

   c The next annual review of the MPTS vision will consider the effectiveness of completed measures.

17 The Committee approved the MPTS vision subject to the consideration of the above amendments.
MPTS brand refresh

18 The Communications Manager gave a presentation on the proposed MPTS brand refresh and the progress of the new MPTS website.

19 During discussion the Committee noted:
   a The consultation process used to develop the new website.
   b A summary of the design features to be used in the brand refresh.
   c The Communications Manager confirmed that the associates’ webpage would be more accessible and easier to use.

20 The Committee noted the update.

Adjournments quarterly update

21 The Case Manager, MPTS presented the adjournments quarterly update.

22 During discussion the Committee noted:
   a The level of adjournments.
   b The key themes and actions identified from the Q2 2018 adjournments review.
   c The proposed trial of a new detailed case review process for hearings which go exceptionally off track.
   d Learning points from the review will be fed into the annual training of tribunal members.

23 The Committee noted the paper and agreed that the adjournments quarterly update should be added to the work programme of the MPTS Committee.

Progress of the MPTS Business Plan projects 2018


25 During discussion the Committee noted:
   a Progress on business projects for 2018 was noted.
   b The workflow forecasting project had been stopped because of the marginal benefit if the project continued.
c The Committee agreed an amendment to the paper to change the title of the project on doctors’ workbook and replace with the title “resources for doctors”.

d The proposed programmes for 2019.

26 Actions identified from the discussion:

a The Committee agreed that the guidance on downloading and printing documents for hearings should be highlighted during training for tribunal members.

b The Head of Tribunal Development is on the conditions bank project board and will provide an update at the next MPTS Committee meeting.

Any other business

27 There was no other business.

28 The Committee noted that the following papers would be withheld from publication:

a The MPTS risk register. This paper is being withheld from publication in line with corporate policy on the publishing of risk registers.

b Progress of the MPTS Business Plan projects 2018. This paper is being withheld from publication until the draft Business Plan for 2019 has been approved. The MPTS Committee will receive further updates on the Business Plan at the next meeting.

29 The Committee noted the date and time of the next meeting: Tuesday 13 November 2018, 10:00 – 13:00.

Confirmed:

Dame Caroline Swift 13 November 2018
Agenda item 5 - Annex A
MPTS 2018 Q3 performance review
Referrals to the MPTS are at their highest for the last 12 months, with a 58% increase in comparison to Q3 2017 and 38% on last quarter. The number of referrals of Regional Investigation cases* has increased by 61% in comparison to the average number referred in 2017.

*those cases with initial allegations that do not suggest a referral will be required.
Requests to postpone or list outside of target by the GMC were caused by delays in receiving information from the court (including summing up and sentencing remarks) and in the second case, additional allegations were received which necessitated a joinder application and further time for the doctor to prepare his case.
Defence applications to postpone an IOT hearing received per quarter

Q3 2018
- Withdrawn: 9
- Applications granted: 17
- Applications refused: 6

Q2 2018
- Withdrawn: 3
- Applications granted: 10
- Applications refused: 8

Q1 2018
- Withdrawn: 2
- Applications granted: 11
- Applications refused: 6

Note: The GMC made 1 application in Q2, but this was subsequently withdrawn, therefore no corresponding data will be provided.

Defence applications to postpone a MPT hearing: received per quarter

Q3 2018
- Application withdrawn: 1
- Deferred to Tribunal: 1
- Applications granted: 3
- Applications refused: 10

Q2 2018
- Application withdrawn: 1
- Deferred to Tribunal: 3
- Applications granted: 11
- Applications refused: 11

Q1 2018
- Application withdrawn: 2
- Deferred to Tribunal: 9
- Applications granted: 11
- Applications refused: 11
For the first time this year, the MPTS made 2 requests to postpone a MPT hearing. In one instance the Legal Assessor sustained an injury and the MPTS was unable to constitute a quorate MPT for the start of the hearing. In both instances the MPTS was able to empanel a quorate MPT within the listing period; however none of the witnesses were available to give evidence at this later date.
New GMC/PSA Appeals 2018

No PSA appeals have been lodged or heard in 2018 so far.
No GMC appeals were heard in Q1 or Q2 2018.

New Doctor Appeals 2018

Successful
Allowed by consent
Dismissed
Withdrawn
Lodged
Looking ahead to 2019
12 September 2018

Gavin Brown

Executive Manager, MPTS
Looking ahead to 2019

• It is important that we maximise the resources at the MPTS’s disposal.

• People are our most important resource so it is imperative that the workload is balanced across teams and individuals to meet the needs of the business and that everyone’s training and development is prioritised.

• What follows is a number of proposals for 2019 taking into account feedback from your responses to the Staff Survey, Away Day, Staff Network and L&D drop in sessions.
  • NB I have already spoken to all staff who are potentially directly impacted.

• I would really like to hear your thoughts on these proposals as no final decisions have yet been taken.

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Proposed MPTS structure

• Simplify the MPTS into 4 teams each with a Head of Section:
  • Operations
  • Tribunal Development
  • Case Management
  • Communications & Corporate Affairs

• The Executive Manager, four Heads of Section and Senior Legal Adviser would form the MPTS Senior Management Team.
Proposed Senior Management Team

Executive Manager

- Head of Operations
- Head of Tribunal Development
- Head of Case Management
- Head of Communications & Corporate Affairs
- Senior Legal Advisor

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Operations proposals

- All projects are led and managed by the staff closest to the operational process rather than by a separate MPTS Change Team – on the grounds that the emphasis of our programmes and projects has evolved from fundamental change to continuous improvement. The proposal is also intended to create a number of development opportunities.

- Implement recommendations from the project currently underway to review Level 4 to Level 6 job descriptions. This review includes looking at key skills and ensuring job descriptions are appropriate to posts.
  - Early indications are that it would be sensible to consider a Level 5 post to provide developmental opportunities between our current Tribunal Assistant and Tribunal Co-ordinator roles.

- Move the Listings Team from Operations to Case Management.

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Case Management proposals

- Implement the recommendations of the Case Management Review currently underway.

- Move the Listings Team to Case Management and create an additional Case Manager post to help implement the Review’s recommendations.

- Accommodating unpredictable demand causes significant MPTS staffing and resourcing issues throughout the hearing process.
  - The monthly referral rate in the last 12 months has ranged from 12 to 41 referrals per month (a 242% variance).
  - This is then reflected in the peak and troughs of our hearing room utilisation rate (from 57% to 95%, with an average of 80%).

- Currently discussing with Fitness To Practise colleagues options for flattening out of the MPTS’s (and GMC’s) pre-hearing and hearings workload.

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Tribunal Development proposals

- Create a new Training and Development Manager role to guide and oversee training, development and coaching programme for:
  - MPTS staff across all sections
  - Tribunal Members.

- It is envisaged that an aspect of their role would be to lead a co-ordinated approach to training, project work and secondments / rotations to ensure staff have the time and opportunity to take part and contribute.
Communications & Corporate Affairs proposals

- Establish a new section with responsibility for internal and external communications, governance, audit, data and reporting.

- Centralising corporate reporting into the Communications & Corporate Affairs team will ensure consistency of messaging and the avoidance of duplication, thereby freeing up Operations and Tribunal Development staff.

- Create a new Head of Section post and Data & Reporting Officer roles. This will result in some line management changes for existing staff.
Proposal summary

To summarise, it is proposed that;

- We are structured into 4 teams each with a Head of Section who, along with the Senior Legal Adviser, would form the SMT of the MPTS.
- A new approach to continuous improvement initiatives is implemented i.e. that all projects are led and managed by the staff closest to the operational process rather than by a separate MPTS Change Team.
- To support the proposals, that the following roles are created:
  - Head of Communications & Corporate Affairs
  - Case Manager
  - Training and Development Manager
  - Data and Reporting Officer
  - Level 5 post to provide developmental opportunities between our current Tribunal Assistant and Tribunal Co-ordinator roles

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Timings

- By 11 September 2018 – inform staff directly impacted by proposals plus Staff Forum representatives about the consultation.
- 12 September 2018 – consultation formally launched at staff meeting.
- 13 September to week commencing 8 October 2018 – consultation period includes formal consultation meetings with all staff that are potentially impacted.
How you can get involved

- During the consultation period I am very keen to hear your thoughts and receive any questions that you may have about the current structure and the proposed changes (including any alternative ideas you may have).
- Please do speak to your line manager and feel free to send me an email or come and see me.
- During this time HR and I will be holding formal consultation meetings with staff that are potentially impacted and we will also be setting out a process that will support those members of the team throughout this period.
- We will provide regular updates including through the production of a Frequently Asked Questions (FAQ) document.
- I would like to stress again that no final decisions have been made so if you have any thoughts, questions or alternative ideas I would very much like to hear them.

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Consultation feedback and decisions

Gavin Brown, Executive Manager MPTS – 15 October 2018

Introduction

At the staff meeting held on the 12 September 2018 the Executive Manager put forward a number of proposals in relation to the MPTS structure for 2019.

This paper summarises the feedback and comments received during the consultation period on the proposals, the Executive Manager’s response and the decision that has been taken.

Background

It is important that we maximise the resources at the MPTS’s disposal to manage our workloads effectively and to deliver a high quality service to our customer groups.

People are our most important resource so it is imperative that the workload is balanced across teams and individuals to meet the needs of the business and that everyone’s training and development is prioritised.

By way of reminder and to summarise, from 1 January 2019, it was proposed that:

- We are structured into 4 teams each with a Head of Section who, along with the Senior Legal Adviser, would form the SMT of the MPTS.

- A new approach to continuous improvement initiatives is implemented i.e. that all projects are led and managed by the staff closest to the operational process rather than by a separate MPTS Change Team.

- To support the proposals, that the following roles are created:
  - Head of Communications & Corporate Affairs
  - Case Manager
Training and Development Manager

Data and Reporting Officer

Level 5 post to provide developmental opportunities between our current Tribunal Assistant and Tribunal Co-ordinator roles

A consultation on these proposals was formally launched at an MPTS all staff meeting on the 12 September 2018.

The consultation ran from the 13 September 2018 until the 9 October 2018 and included formal consultation meetings with individual staff that were potentially directly impacted by the proposals.

It was important that we gave all individuals potentially directly impacted by these proposals the opportunity to express their views and considered them during this consultation period. That is why three formal consultation meetings have been held with each individual concerned to provide a number of opportunities to understand, discuss and challenge the proposals.

Feedback has been collated and considered from the individuals that were potentially at risk of redundancy. Additionally, although we were not conducting formal collective consultation, comments submitted by staff not directly impacted by the proposals have also been collated and considered.

It is important to note that some feedback raised in individual meetings has, due to issues of confidentiality, not been included in this document. In these instances, feedback has been managed directly with individuals and captured in the minutes of the formal meetings. Follow up discussions with individuals have also taken place between these formal meetings to offer further support and assistance.

The Executive Manager would like to thank everyone who has taken the time to take part in the consultation.

Feedback received and decision on proposals

What follows is a summary of the feedback and comments received followed by the Executive Manager’s thoughts and a decision on each of the proposals;

We are structured into 4 teams each with a Head of Section who, along with the Senior Legal Adviser, would form the SMT of the MPTS.

Limited feedback was received regarding this; the rationale behind the proposal that the Listings Team would form part of a new Case Management section, rather than being in Operations, was recognised by all staff involved.
Proposal decision: accept

A new approach to continuous improvement initiatives is implemented i.e. that all projects are led and managed by the staff closest to the operational process rather than by a separate MPTS Change Team.

There were a number of very useful questions and concerns raised in respect of how this approach would work in practice.

The first was about where responsibility would sit for the delivery of MPTS initiatives and projects.

It is important to bear in mind the type of initiatives and projects the MPTS will be undertaking in 2019 and beyond. The majority will concentrate on the continuous improvement of our operational processes, whilst the planned technical and policy projects would be facilitated by IS and Policy colleagues, with support from MPTS staff.

This proposal requires ownership of initiatives and projects from within the operational sections. It would be for individual staff, with manager and Head of Section (HoS) support, to consider how we can improve what the MPTS does and then plan and deliver improvements. Managers and the HoS would provide the project lead support and oversight.

For cross-MPTS projects, working parties would be formed to provide all sections with the opportunity to contribute and to ensure a co-ordinated approach.

The responsibility for the delivery and co-ordination of all projects and initiatives would sit with the SMT.

The second can be summarised as the capacity of operational staff to plan and deliver projects and initiatives.

The aim of having an expanded Case Management section is, in the longer-term, to flatten the MPTS’s hearing volume - this flattening would release capacity and give certainty to enable operational staff to contribute.

The number of Tribunal Co-ordinators increased since last December, with the specific aim of allowing for operational staff to have time for learning and development activities. The increased number of Tribunal Co-ordinators is included in the draft 2019 budget.

The responsibility for ensuring that the MPTS has the capacity to plan and deliver projects and initiatives would sit with the SMT.

The third was in terms of the knowledge of operational staff to undertake this work.

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Again, it is important to remember the type of project we will be looking to deliver moving forwards i.e. continuous improvement rather than fundamental and large-scale change. The Executive Manager has concluded that the operational teams do have the knowledge, skills and experience to plan and deliver the envisaged work.

Concerns were also expressed about the management of risk. Current MPTS project leads and senior business owners all received training, at the beginning of 2018, on the identification and mitigation of risk. The MPTS will continue to receive support regarding risk from staff in the GMC’s Corporate Business Planning team.

Overall risk will be captured through project online and its reporting will be overseen by the proposed Communications & Corporate Affairs section, reporting to SMT.

The fourth was that other GMC Directorates have central change teams therefore the MPTS should continue to do so.

The MPTS is different to other GMC Directorates in terms of the complexity of the work we undertake and our size. The MPTS is largely transactional in nature.

The fifth was around how business planning would be conducted and progress reported.

Business planning would be the responsibility of the SMT, with co-ordination provided by the proposed Communication & Corporate Affairs section.

All projects would be managed through project online, which would remove the need for a highlight report, and progress would be reported to, and managed by, a HoS and overseen by the SMT.

Throughout this process various permutations have been considered, but given the type of projects and initiatives that will be undertaken in 2019 and beyond, the deciding factor has been the Executive Manager’s judgement that the individuals best placed to improve operational processes are those that are closest to them.

Proposal decision: accept

To support the proposals, that the following roles are created:

- Head of Communications & Corporate Affairs
- Case Manager
- Training and Development Manager
- Data and Reporting Officer

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Level 5 post to provide developmental opportunities between our current Tribunal Assistant and Tribunal Co-ordinator roles

Overall, all of these new roles were welcomed, particularly the Training and Development Manager and the concept of a Level 5 post to provide development opportunities.

A number of suggestions have been made in respect of what the Level 5 role should look like (in terms of responsibilities) and these will be considered when we are working up the job description for this post.

As an alternative job title for the ‘Data and Reporting Officer’ role ‘Information & Insight Analyst’ has been suggested. The Executive Manager is happy to accept this.

Proposal decision: accept

Other suggestions:
The Executive Manager was grateful for the other suggestions received from staff.

These included the creation of a skills, knowledge and experience matrix, to assist with training, and around the responsibilities of Tribunal Assistants.

These will be taken forward separately in partnership with the sections and individuals concerned.

Next steps:
1. Finalise the job descriptions for the new roles.

2. Work with impacted MPTS staff, with the goal of finding them suitable alternative employment, at the same level, within the GMC. This may include some of the newly created MPTS roles.

3. Advertise the remaining new roles across the GMC, and externally if required.

4. After a fair and open recruitment process, make appointments.

5. Aim would be to have all roles filled by the 1 January 2019.
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<tr>
<th>Agenda item:</th>
<th>5</th>
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<tbody>
<tr>
<td>Report title:</td>
<td>Executive Manager’s report</td>
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<tr>
<td>Report by:</td>
<td>Gavin Brown, Executive Manager, <a href="mailto:gavin.brown@mpts-uk.org">gavin.brown@mpts-uk.org</a>, 0161 240 8126</td>
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<tr>
<td>Considered by:</td>
<td>MPTS Committee</td>
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<td>Action:</td>
<td>To consider</td>
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### Executive summary

This report provides an update on the operational performance of the MPTS.

It includes updates on performance, risk, finance, the MPTS annual report to Parliament, the recruitment of tribunal members, appeals, staffing (including details of the recent consultation exercise) and facilities.

Annex A is the MPTS performance data.

Annex B is the MPTS risk register.

Annex C is the ‘Looking ahead to 2019 proposals’ presentation.

Annex D is the consultation response and decision document.

### Recommendations

The Committee is asked to consider the report, along with the annexes.
Performance

1 In terms of performance, the MPTS continues to meet the IOT target every month and in the majority of months we exceed the MPT target (see Annex A).

Risk

2 The MPTS risk register (see Annex B) has been reviewed and updated by the Senior Management Team.

3 There are currently no risks relating to the work of the MPTS on the GMC corporate opportunities and risk register.

Finance

4 From January to September 2018 our actual spend is 1.7% higher than budget. Forecast spend is expected to be 3.3% higher than budget for the full year.

5 The variance is driven by a significant increase in hearing volumes. However the financial impact of the uplift in hearing volumes is largely offset by large savings made through the expansion in the use of Legally Qualified Chairs (LQCs).

<table>
<thead>
<tr>
<th>Directorate: MPTS</th>
<th>YTD to Sept 18</th>
<th>Full year 2018</th>
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<tr>
<td></td>
<td>Budget</td>
<td>Actual</td>
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<tr>
<td>Total Expenditure</td>
<td>0,301,001</td>
<td>0,472,957</td>
</tr>
<tr>
<td>Hearing Days</td>
<td>1,855</td>
<td>1,863</td>
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Hearing Volumes

6 58% of forecast spend in MPTS is directly linked to hearing volumes, such as associate fees & expenses, catering and transcription costs. Therefore any increase or decrease in hearing volumes will have the single biggest impact on our financial variance to budget.

7 Through January to September 2018 there has been 12.6% more hearing days than budgeted. This is forecast to grow to 17.1% for the full year.

8 The reason for this increase in hearing days is due to a significant increase in referrals from Fitness to Practise from August 2017.

9 Average hearing length has been slightly lower through the first half of 2018 than it was in 2017, and is forecast to remain at a similar level for the remainder of the year.

10 The increase in hearing volumes accounts for an over spend of £367k on direct costs for the period January to September 2018, and a forecast over spend of £651k for the full year.
11 The financial impact of the increased hearing volumes is mitigated somewhat by the increased efficiency savings we have achieved.

12 During budget setting we were given a 3% (£267k) efficiency target. For the period of January to September 2018 we have overachieved against this target by £377k, and are forecast to overachieve by £509k for the full year. This is due to an increase in LQC led hearings.

13 Our budget was based on proportion of LQC led hearings prior to budget setting in 2017, which was around 35% of all hearing days. Actual LQC led hearing days has been closer to 86%.

**Budget for 2019**

14 We have proposed an MPTS budget of £8.9m for 2019 – this includes an efficiency target of 1.5% and churn adjustment.

15 The draft budget is subject to a scrutiny meeting between the Chief Operating Officer of the GMC and the Executive Manager of the MPTS and approval from the GMC Executive Board and Council.

16 We have assumed that hearing days in 2019 will remain at the level forecast in 2018 (2504 plus 72 RoP days).

17 We have also reduced our estimate of average hearing length compared to the 2018 budget based on the actual hearing lengths recorded this year.

18 The proposed increase in budget for 2019, against the forecast spend in 2018, is due to:
The increased cost of the proposals that are set out in the staffing section of this paper although this does not represent an increase in headcount. This additional cost was approved by the GMC in August 2018.

Growth bids submitted for the recruitment and induction expenses for new tribunal members and a new Casework Assistant.

We will keep the Committee updated.

Annual Report to Parliament

On Monday the 24 September 2018 we informed the MPTS Committee that the 2017 MPTS annual report to Parliament would be published on Tuesday 25 September.

We decided to publish the MPTS annual report on the same day as the GMC annual report as the two documents reference each other.

As a registered charity, the GMC has to submit its annual report to the Charity Commission and Office of the Scottish Charities Regulator (OSCR) and have it signed off by them before it can be made publicly available hence the slight delay.

Update on the recruitment of tribunal members

In January 2019 we will start the campaign to appoint LQCs and medical tribunal members to join our IOT and MPT pools.

We anticipate that the advert will be released on 4 January 2019 and the window for applications will remain open for approximately 3 weeks.

The volume of appointments is still under review but will reflect anticipated contracts ending in 2019 / 2020, before end of term contracts ending and forecast hearing volumes.

Upon completion of the application form, those candidates deemed to meet the required standard will be invited for interview and assessment during March and April 2019.

We hope to finalise all appointments by end of May 2019, with induction training taking place throughout June and July 2019.

Appeals

Since the last update to the MPTS Committee on 11 September 2018, some of the additional learning points and reminders of points and principles arising from the
judgments given in appeals/challenges to tribunal decisions from 1 July – 30 September 2018, include:

a  Tribunals should ensure that they provide clear reasoning in their determinations to show how they have weighed and evaluated the particular circumstances of the case, especially in relation to the question of whether a practitioner’s conduct is dishonest.

b  The requirement to hold a licence to practise plays an important role in the protection of the public. If a practitioner is dishonest during revalidation and/or in obtaining a licence to practise or alternatively, a practitioner fails to get the necessary licence to practise, then he or she is not being properly subject to the regime, the purpose of which is the protection of the public and the maintenance of proper standards.

c  Tribunals should ensure that they treat factors consistently, as either mitigating or aggravating, throughout their decisions at both impairment and sanction stages.

d  When considering impairment and sanction, it is important for any tribunal to assess a practitioner’s insight, remediation and the risk of repetition of the wrongdoing:

   i  the greater the insight a practitioner has in relation to his/her wrongdoing, the more confident a tribunal can be that the wrongdoing can be remediated;

   ii  a tribunal can have confidence that there is unlikely to be repetition only if it is satisfied that there is a candid and full acceptance of first the wrongdoing and secondly why it is wrong.

Restoration

29  ‘Exceptional circumstances’ do not have to be present to allow a practitioner who was erased as a result of disciplinary proceedings, to be restored to the register.

30  Tribunals should apply the same test when considering the question of sanction or restoration to the register: against the backdrop of the overarching objective, is the doctor in question fit to practise?

31  When considering whether to restore a practitioner to the register, the tribunal should:

   a  first consider the evidence of insight, remorse and remediation against the backdrop of the misconduct which led to erasure and make findings about those matters.
b then step back and balance those findings against each of the three limbs of the over-arching objective in order to satisfy themselves that, when considering the case overall, the restoration of the applicant would promote and maintain public confidence and proper professional standards so that the over-arching objective to protect the public would be achieved.

32 The tribunal should satisfy themselves that when considering the case overall, including the length of time which has elapsed since the erasure, the restoration of the practitioner would promote and maintain public confidence and proper professional standards so that, notwithstanding the serious nature of the original matters which led to erasure, the over-arching objective will be achieved.

33 The principles set out in Bolton v Law Society [1994] 1 WLR 512 (i.e. the need to maintain public confidence in the profession and that the reputation of the profession as a whole is of greater significance than that of an individual member of that profession) apply equally to the medical profession as to solicitors.

34 The MPTS and tribunals should consider ways, including case management, in which to reduce or limit the length of hearings in which there is voluminous written and oral evidence.

Staffing

35 At the staff meeting held on the 12 September 2018 the Executive Manager put forward a number of proposals in relation to the MPTS structure for 2019 (see Annex C).

36 It is important that we maximise the resources at the MPTS’s disposal to manage our workloads effectively and to deliver a high quality service to our customer groups.

37 People are our most important resource so it is imperative that the workload is balanced across teams and individuals to meet the needs of the business and that everyone’s training and development is prioritised.

38 The proposals took into account feedback received from the Staff Survey, MPTS Away Day, Staff Network and Learning & Development drop in sessions.

39 In summary, from the 1 January 2019, it was proposed that;

a We are structured into 4 teams each with a Head of Section who, along with the Senior Legal Adviser, would form the SMT of the MPTS.
b A new approach to continuous improvement initiatives is implemented i.e. that all projects are led and managed by the staff closest to the operational process rather than by a separate MPTS Change Team.

c To support the proposals, that the following roles are created:

i Head of Communications & Corporate Affairs

ii Case Manager

iii Training and Development Manager

iv Data and Reporting Officer

v Level 5 post to provide developmental opportunities between our current Tribunal Assistant and Tribunal Co-ordinator roles

40 The consultation on the proposals ran from the 13 September 2018 until the 9 October 2018 and included formal consultation meetings with individual staff that were potentially directly impacted by the proposals.

41 It was important that we gave all individuals potentially directly impacted by these proposals the opportunity to express their views and considered them during this consultation period. That is why three formal consultation meetings have been held with each individual concerned to provide a number of opportunities to understand, discuss and challenge the proposals.

42 Feedback has been collated and considered from the individuals that were potentially at risk of redundancy. Additionally, although we were not conducting formal collective consultation, comments submitted by staff not directly impacted by the proposals have also been collated and considered.

43 The feedback, the Executive Manager’s response to it, the decision to accept all of the proposals and next steps was communicated to all MPTS staff on the 15 October 2018 (see Annex D).

Facilities

44 The fit out of the new office space for IS and Facilities, visitor reception, waiting area for witnesses, three meeting rooms and a bespoke training room has been completed and was officially opened on the 15 October 2018.

45 Later in 2018 the rooms on the 4th floor F wing (4.11, 4.12 and 4.48) will no longer be used as MPTS hearing / meeting rooms and from the beginning of 2019 F wing will not be part of the MPTS hearing centre at SJB.
Agenda item: 7
Report title: Update from the Quality Assurance Group
Report by: Tamarind Ashcroft, Head of Tribunal Development
Tashcroft@mpts-uk.org, 0161 240 7291
Action: To note

Executive summary
This paper details an overview of the first three quarters of 2018 QAG outputs, highlighting any themes emerging.

Recommendation
The MPTS Committee is asked to note the outputs of the QAG for 2018 and to confirm that the process for QAG remains appropriate noting the proposed operational adjustments to the volume of determinations reviewed.
Volumes

1. During the period 1 January - 30 September 2018 there were 1388 MPTS hearings. Of these, 381 were selected for QAG review which covers hearings between 1 January and 31 August 2018.

2. The data below is based on hearings that took place between 1 January and 31 August 2018 as the QAG only reviews decisions once the appeal period has passed.

MPT Decisions

3. During this period the QAG reviewed 34% of MPT decisions (included within this number are restoration hearings). This lower proportion reflects that we continue to quality assure a lower proportion of review cases where fewer learning points typically arise.

<table>
<thead>
<tr>
<th>Number of hearings</th>
<th>MPT (New- (N))</th>
<th>260</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MPT (Review- (R))</td>
<td>138</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>398</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cases selected for QAG</th>
<th>MPT (N) inc restoration</th>
<th>102</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MPT (R)</td>
<td>33</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>135</td>
</tr>
</tbody>
</table>

4. The main themes for learning points for MPT related to the need to ensure detailed reasons particularly with reference to aggravating and mitigating factors, ensuring that- for more complex legal issues- appropriate clarification of guidance/ legislation is made and to understand and reflect on parties and readers of determinations to ensure appropriate consideration of vulnerabilities and that this extends to the terminology used in determinations. This year a new determination framework was introduced for new MPT hearings to provide a house style and set minimum expectations for standard content to ensure our determinations are clearer and allow Tribunals to focus on drafting the tailored detail of their decisions. We will work to produce further frameworks for other hearing types as feedback has indicated that determinations are more accessible.

5. Training during 2018 is ongoing and included all QAG learning points raised prior to September. To address themes emerging from appeals, a video and webinars were delivered in summer 2018 to ensure more timely guidance could be provided.
IOT Decisions

6 During this period the QAG reviewed 13% of IOT decisions. It is important to note that 49% of new IOT decisions were reviewed and the overall figure is affected by the high rate of reviews.

<table>
<thead>
<tr>
<th>Number of hearings</th>
<th>Jan-Aug 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>IOT (N)</td>
</tr>
<tr>
<td>TOTAL</td>
<td>305</td>
</tr>
<tr>
<td>Cases selected for QAG</td>
<td>149</td>
</tr>
<tr>
<td>TOTAL</td>
<td>128</td>
</tr>
</tbody>
</table>

7 95% of the 18 Non-compliance Hearings were reviewed during 2018.

8 Areas for learning points, in addition to the requirement for more detailed reasons, included ensuring that decision making was limited to risk and not straying into fact finding and, as for MPT, ensuring appropriate consideration of vulnerabilities and that this extends to the terminology used in determinations.

9 Again training in 2018 included all learning points identified prior to September 2018. Relevant case law emerging from appeals and judicial reviews which could impact on IOT decisions was also discussed.

Feedback

PSA Feedback

10 Between 1 January and 31 August, we were notified that 11 cases had been considered by the PSA, 6 of which have resulted in learning points to date however no appeals were made. This is a slight reduction to the volume considered by them in 2017 at this time.

GMC Feedback

11 To date in 2018 the GMC’s Decision Review Group sent the QAG 3 letters covering 12 cases. They have exercised their power to appeal in 5 cases- the analysis of these appeals is the subject of a separate paper. The proportion of feedback is again less than in 2017.
2018 revised selection criteria for QAG

12 This year we have observed that learning points arising in IOT decisions and in MPT and IOT review decisions continues to be low. Contributory factors may be that there has been an increase of reviews on the papers and that the templates for IOT decisions continue to be used to good effect. It is therefore intended that a further reduction in the number of cases reviewed in these categories will be made to ensure that sufficient resource can be placed on a more detailed review of MPT (new) decisions. This will also enable consideration of the application of learning from appeals. Appropriate levels will be set operationally and a quarterly review will now take place to ensure the selection criteria remains appropriate.

13 The MPTS Committee is asked to note these changes and confirm that the quality assurance of decisions continues to meet the necessary scrutiny levels.
Case Management Review: Overview for MPTS Committee

Samantha Bedford

Case Manager

November 2018
Overview

- Over the last few months we have conducted an **internal review of our pre-hearing case management (CM) service**. The purpose of the internal review was to:
  - Identify opportunities for **continuous improvement**
  - Ensure efficient use of our **resources**
  - Consider how best to meet the **needs of our customer groups**.
- This paper explains:
  - the **scope** of the review
  - the **recommendations** made
  - **next steps**.
- We propose to **update the Committee annually** on case management service development.

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# Scope of Case Management Review

<table>
<thead>
<tr>
<th>In scope</th>
<th>Out of scope</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>All MPT hearing types</strong></td>
<td>Changes requiring <strong>legislative change</strong></td>
</tr>
<tr>
<td>Whether our <strong>existing CM criteria</strong> remain effective and deliver the service required by our customers</td>
<td><strong>Detailed consultation with service users</strong> – the review focused on addressing known trends and feedback</td>
</tr>
<tr>
<td><strong>What we require from external customers</strong>, including GMC Legal and doctors/their representatives</td>
<td><strong>Passing CM function to LQCs</strong> – not explored in detail due to complexities of listing and resourcing, and advantages of a consistent in-house service</td>
</tr>
<tr>
<td>How we organise <strong>internal resources</strong> and resourcing needs</td>
<td>Changes requiring a <strong>new Siebel release</strong></td>
</tr>
</tbody>
</table>

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Methodology

- **Seven scenarios** mapped
  - Considering the typical CM journey of different hearing types
  - Taking into account representation status and allegation type

- **Feedback** from:
  - Internal MPTS teams and LQCs
  - Existing feedback routes including QAG and MPTS User Group

- **Review** of:
  - Workload volumes and hearing data
  - Current external and internal guidance
  - Approaches taken by other regulators and jurisdictions
For each recommendation, we have considered and identified:

- External and internal impact
- Resourcing needs
- Changes to guidance
- Training and communications.

10 recommendations in total, grouped into:

- those with predominantly external impact
- those with predominantly internal impact.
1. **Better quality information at the point of referral**
   - Both parties to supply information about the referral and a listing estimate, to improve accuracy of listing lengths.

2. **Make our case management criteria more consistent**
   - Include pre-hearing meetings for all New MPT hearing types to give all service users access to case management, regardless of hearing length.

3. **Use legally binding case management directions at the earliest opportunity**
   - Put PHMs earlier in the case management process, with non-PHM telephone conferences used as follow up where necessary, to place parties on an equal footing.
4. **Publish listing expectations for New hearings**
   - Set clear expectations that we will list hearings in accordance with transparent criteria, which give MPTS greater control over to list hearings at the earliest opportunity, taking into account hearing type and complexity.

5. **Set standard listing lengths for Review hearings**
   - Set clear expectations for different Review hearing types, which give MPTS greater control to determine listings appropriate to each case.

6. **Publish standard forms for common pre-hearing applications**
   - Produce standard forms to assist customer groups, signposting to relevant guidance as applicable.

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7. **Internal streaming of decisions**
   - Stream CM decisions by type, complexity and whether contested/agreed, to determine appropriate resource allocation.

8. **Adopt a single inbox for all CM correspondence**
   - Reducing confusion for MPTS users and cutting duplication for staff.

9. & 10. **Develop a programme of half yearly themes to review and update our internal and external guidance on CM issues**
   - To commence after implementation of Recommendations 1-8
   - Changes to guidance arising from Recommendations 1-8 fall outside the scope of this Recommendation and will be processed as part of the implementation of those Recommendations
Summary: Case Management Process Before CMR

- **~0-2 weeks:** Referral to MPT, very limited case info supplied
  - **~3-4 months:** PHM with binding directions issued
  - **~3 weeks to go (or earlier on request):** May hold follow up PHM if required

- **~2-6 weeks:** Listings telecon with non-binding listings instructions given

- **~4 weeks to go:** MPTS request confirmation of compliance with directions

- **~2 weeks to go:** MPTS produce CM records for MPT

Appplies to ~80% of New hearings only

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Summary: Case Management Process After CMR

- **~0-2 weeks:** Referral to MPTS with completed listing questionnaire
- **~3-4 weeks:** Doctor completes listing questionnaire
- **Ongoing:** Parties to monitor and report on compliance – directions may be given requiring this
- **~2-3 weeks to go:** MPTS produce CM records for MPT

Will apply to all New, Restoration & NC hearings

GMC
Doctor
MPTS Listings
Case Manager

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Implementation and next steps

Steps taken

- Chair and Executive Manager have reviewed the recommendations
- Growth bid for Case Management Officer has been submitted
- New Case Manager resource to be recruited following internal restructure

Next steps

- Action plan for implementation by March/April 2019, to include:
  - Drafting guidance and forms
  - Transitioning from current processes to new processes
- Develop plan for engagement with stakeholders, to include:
  - Training for MPTS staff
  - Training/engagement with GMC Legal, MDOs and other regular service users

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Executive summary

This report:

- Summarises the key issues arising from hearings adjourning in Quarter 3 2018;
- Identifies actions being taken forward by the MPTS Adjournments Working Group.
Adjournments quarterly review: Q3 2018

Scope of review

1. Each month the MPTS Case Manager, Head of Operations and Legal Adviser meet to identify themes and issues arising from adjourned MPT hearings, with reference to internal resources, including hearing commentary and case management documents.

2. The findings and recommendations are discussed at the MPTS Adjournment Working Group (AWG) and actions are assigned to be taken forward.

Overview of MPT hearings reviewed

3. A total of 35 MPT hearings (across all MPT hearing types) concluded earlier than scheduled in Q3 2018. An analysis of new MPT hearings only during the same period shows that 76% hearings concluded either early or on time.

4. A total of 37 MPT hearings adjourned in Q3 2018. The table below indicates the number of adjournments across the MPT hearing types.

<table>
<thead>
<tr>
<th>Hearing Type</th>
<th>Unplanned Adjournment</th>
<th>Planned Adjournment†</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-Month Cases</td>
<td>9</td>
<td>1</td>
</tr>
<tr>
<td>9-Month Cases</td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td>Direct Listing</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Review Hearings</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td>Remittal Hearings</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Non-Compliance Hearings</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Restoration Hearings</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>New &amp; Review Hearings</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

* One hearing appears three times in the table below.
† Hearings which are scheduled to adjourn and reconvene, either through a planned split listing or due to reconvene dates.
MPTS Committee meeting, 13 November 2018

Agenda item 9 – Adjournments quarterly review

5 References “Q3/XX” are used below as identifiers for specific hearings. Anonymised identifiers have been used for the purposes of this paper as they may relate to matters which have not yet concluded.

Themes emerging from adjourned hearings

6 Often adjournments can arise for reasons that are unavoidable and could not reasonably have been foreseen. For example, where a party or Tribunal member is unwell, or if a Tribunal direct the practitioner to undergo an assessment of their health, language or performance.

7 The following themes, which we consider to be potentially avoidable and/or foreseeable, arise from our analysis of the adjourned MPT hearings:

a Tribunal deliberations and timekeeping – There were instances where Tribunals:

   i Took time to complete their deliberations which appeared potentially disproportionate to the Allegation (Q3/19, Q3/26, Q3/33, Q3/37, Q3/38).

   ii Would have benefitted from managing hearing time more effectively by, for example, ensuring the duration of evidence given by doctors or other witnesses remained proportionate to the allegations (Q3/03, Q3/13, Q3/18, Q3/31).

b Tribunal case management – While some Tribunals missed opportunities to proactively manage hearing time effectively, there were also examples of proactive case management by Tribunals (Q3/32, Q3/35).

c Engagement with case management – There were instances where both parties sought to submit additional evidence during the hearing, indicating incomplete preparation and compliance with case management directions (Q3/12, Q3/13, Q3/34, Q3/37, Q3/39).

d Inaccurate hearing length estimates – There were instances of hearings length estimates provided by the parties proving to be insufficient, either due to the volume of evidence and/or number of allegations in dispute (Q3/02, Q3/09, Q3/16, Q3/18, Q3/19, Q3/22).

e Delays potentially caused by GMC case preparation – There were instances where avoidable delays appear to have been caused by issues relating to accuracy of allegations, witness management and availability of evidence (Q3/01, Q3/08, Q3/11, Q3/21, Q3/28, Q3/32, Q3/33, Q3/36).
Identified action points

8 The AWG identified a number of actions from the analysis of Q3 adjournments, as outlined below.

a Actions relating to Tribunal training, circulars or other guidance

   i Consideration to be given to whether guidance is required regarding doctors in prison, including information to be sent to individual doctors to remind them of their options to engage with the hearing process.

   ii Coverage of ability to make further restoration application after refusal of restoration to be included in review of restoration guidance.

   iii Consideration to be given to whether a training point arises from accepting a doctor’s assertions that they would be able to attend a later hearing without hearing/requesting evidence about how circumstances preventing their attendance would change.

b Actions requiring liaison with stakeholders

   i Feedback to GMC Legal about case presentation where appropriate, including witness management, accuracy of allegations and availability of evidence.

   ii Continue dialogue with MPTS User Group regarding accuracy of hearing length estimates and compliance with case management directions.

c Actions for consideration in the case management process

   i Incorporate issues regarding inaccurate hearing length estimates into the internal case management review process, to identify opportunities to improve our allocation of listing length to hearings.

9 Any actions relating to identifiable individuals have been removed from the list above in order to ensure confidentiality. Such actions may include recommendations for the Tribunal Development and Operations teams to consider when undertaking observations or reviewing Tribunal member feedback.

Other actions

10 The AWG met on 15 October 2018 to discuss the Q3 AMR reports. On considering the actions and themes emerging from the AMR reports, AWG decided that to maximise the opportunities to be proactive, while balancing proportionate use of resources, the following steps will be taken:
a The functions of AWG will transfer to the MPTS Senior Management Team, with AMR Reports and recommended actions to be reviewed on a monthly basis. This will ensure that actions are acted upon and followed up on a regular basis.

b The MPTS Case Manager will provide the MPTS Chair with regular updates on emerging issues and progress.

c The MPTS Committee will continue to receive a quarterly report. This will ensure that the MPTS continues to take a broader look at the themes and actions arising from adjournments.

d The need to re-establish the AWG will be kept under review, and meetings can be called ad hoc to discuss emerging issues where necessary.
Agenda item: 11
Report title: Review of the MPTS Committee work programme for 2019
Report by: Bernadette Beisty, Governance Officer, MPTS bernadette.beisty@mpts-uk.org, 0161 240 7296
Considered by: MPTS Committee
Action: To consider

Executive summary
The MPTS Committee’s work programme for 2019 sets out the business for review during 2019. The work programme covers the duties and activities of the MPTS Committee as outlined in the Committee’s statement of purpose. The work programme also contains key items for review from the MPTS vision and the MPTS business plan priorities.

Recommendation
a The MPTS Committee is asked to agree its forward work programme for 2019.
b Note the MPTS Committee dates for 2019.
Work programme for 2019

1 The MPTS Committee’s work programme for 2019 at Annex 1 contains the schedule of reports for review during meetings to be held in 2019.

2 The Committee’s work programme for 2019 is derived from the Committee’s duties and activities outlined in the MPTS Committee’s statement of purpose and ongoing and new work arising from the MPTS vision and the MPTS business plan.

3 In 2019 the key priorities identified in the MPTS vision document are as follows:
   - Makes high quality, well-reasoned, independent decisions to protect the public
   - Runs hearings efficiently and effectively, using resources appropriately
   - Treats all tribunal service users with respect and fairness
   - Has a distinct voice, clearly articulating our role

4 The work programme also includes the MPTS business plan priorities for 2019.

5 Annex 1 sets out the key duties and activities of the Committee and provides assurance that all elements of the MPTS Committee’s role and function will be reviewed as part of the forward work programme.

6 The work programme will be regularly reviewed by the Chair of the MPTS Committee and the Committee will be informed of any substantive changes as part of the Executive Manager’s report.

Equality and Diversity

7 In making its decisions the Committee will at all times pay due regard to equality and diversity. The MPTS Committee will receive regular updates on equality and diversity as part of the Executive Manager’s report.

Standing agenda items

8 The Committee will review the following standing items at each meeting:
   - Chair’s report (oral)
   - Minutes of the previous meeting
   - Declaration of interests
Executive Manager’s report: including the MPTS risk register and performance data.

Meeting Schedule

9 Below are the scheduled meeting dates for 2019.

- Wednesday 6 February 2019, 10:00-13:00
- Wednesday 8 May 2019, 10:00-13:00
- Tuesday 10 September 2019, 10:00-13:00
- Tuesday 19 November 2019, 10:00-13:00

10 All meetings will take place in St James’s Buildings, Manchester.
Agenda item 11 – MPTS Committee work programme 2019

Annex A: MPTS Committee work programme 2019

Background

1. Below is the MPTS Committee work programme for 2019. It details the agenda items for review at each meeting during 2019.

2. Agenda items have been matched to the MPTS Committee’s duties and activities (see Table 1) to provide assurance that the Committee is compliant with its statement of purpose and is reviewing all aspects of the MPTS Committee’s key responsibilities.

<table>
<thead>
<tr>
<th>Date</th>
<th>Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wednesday 6 February 2019</td>
<td>MPTS Committee</td>
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<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Chair’s report (oral)</td>
<td></td>
</tr>
<tr>
<td>Executive Manager’s report</td>
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<tr>
<td>including the MPTS risk</td>
<td></td>
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<tr>
<td>register and performance</td>
<td></td>
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<tr>
<td>data (a-k)</td>
<td></td>
</tr>
<tr>
<td>Internal audit review of</td>
<td></td>
</tr>
<tr>
<td>the MPTS Committee’s</td>
<td></td>
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<tr>
<td>governance processes and</td>
<td></td>
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<tr>
<td>Siebel segregation between</td>
<td></td>
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<tr>
<td>FtP and MPTS (a)</td>
<td></td>
</tr>
<tr>
<td>Update from the Quality</td>
<td></td>
</tr>
<tr>
<td>Assurance Group (f,g)</td>
<td></td>
</tr>
<tr>
<td>Update on appeals (a,f)</td>
<td></td>
</tr>
<tr>
<td>Adjournments quarterly</td>
<td></td>
</tr>
<tr>
<td>update (f)</td>
<td></td>
</tr>
</tbody>
</table>
### Agenda item 11 – MPTS Committee work programme 2019

- Tribunal members training update (b,c)
- Review of the delivery of the 2018 MPTS business plan and confirmation of the MPTS business plan for 2019 (n)
- Update on the work of MPTS Committee 2018 (a)

<table>
<thead>
<tr>
<th>Date</th>
<th>Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wednesday 8 May 2019</td>
<td>MPTS Committee</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Chair’s report (oral)</td>
<td></td>
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<tr>
<td>Executive Manager’s report including the MPTS risk register and performance data (a-k)</td>
<td></td>
</tr>
<tr>
<td>Report of the MPTS Committee to GMC Council (a-I)</td>
<td></td>
</tr>
<tr>
<td>MPTS annual report to Parliament (I)</td>
<td></td>
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<tr>
<td>Annual review of case management (g)</td>
<td></td>
</tr>
<tr>
<td>Adjournments quarterly update (f)</td>
<td></td>
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<tr>
<td>Annual review of complaints (k)</td>
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<tr>
<td>Review of MPTS Committee’s work programme for 2019 (a)</td>
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<table>
<thead>
<tr>
<th>Date</th>
<th>Meeting</th>
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<tbody>
<tr>
<td>Tuesday 10 September 2019</td>
<td>MPTS Committee</td>
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<tr>
<td>Chair’s report (oral)</td>
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<tr>
<td>Executive Manager’s report including the MPTS risk register and performance data (a-k)</td>
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<tr>
<td>Tribunal Members’ resourcing updates (a)</td>
<td></td>
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<tr>
<td>Annual review of the MPTS vision (m)</td>
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</table>
Update on progress in delivering the MPTS business plan for 2019 (n)
Adjournments quarterly update (f)

Date | Meeting
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Tuesday 19 November 2019 | MPTS Committee

- Chair’s report (oral)
- Executive Manager’s report including the MPTS risk register and performance data (a-k)
- Report of the MPTS Committee to GMC Council (a-l)
- Review of the MPTS Committee’s work programme for 2020 (a)
- Update from the Quality Assurance Group (f,g)
- Adjournments quarterly update (f)
- Proposed MPTS business plan for 2020

Table 1. MPTS Committee’s duties and activities for 2019 (as set out in the Committee’s statement of purpose and additional items from the MPTS vision and MPTS business plan)

<table>
<thead>
<tr>
<th>MPTS Committee’s duties and activities</th>
<th>Assurance Route</th>
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<tbody>
<tr>
<td>a The delivery of a hearings service that demonstrates efficiency and effectiveness.</td>
<td>Executive Manager’s report and updates from the Quality Assurance Group.</td>
</tr>
<tr>
<td>b The appointment of Medical Practitioners and Interim Orders Tribunal members (including chairs) and that appropriate systems for the appointment, training, assessment and,</td>
<td>Papers on recruitment campaigns, training and appraisal as required.</td>
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<tr>
<td></td>
<td>Tribunal members training update</td>
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<td>Agenda item 11 – MPTS Committee work programme 2019</td>
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<td>---------------------------------------------------</td>
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<tr>
<td>where required, the removal of tribunal members, are in place.</td>
<td>scheduled for February 2019.</td>
</tr>
<tr>
<td><strong>c</strong> The appointment of legal assessors and case managers and that appropriate systems for the appointment, training, assessment and, where required, the removal of case managers in place.</td>
<td>Papers on recruitment campaigns, training and appraisal as required.</td>
</tr>
<tr>
<td><strong>d</strong> Maintenance of a system for declaration and registration and publication of Committee members’ private interests.</td>
<td>Declaration of interests of Committee members’ private interests available on the MPTS website and updated as required.</td>
</tr>
<tr>
<td></td>
<td>Declaration of interests is an agenda item for every meeting.</td>
</tr>
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<td><strong>e</strong> Consideration of matters by a Medical Practitioners Tribunal / Interim Orders Tribunals.</td>
<td>Executive Manager’s report.</td>
</tr>
<tr>
<td><strong>f</strong> High quality standards of decision making by Medical Practitioners Tribunal / Interim Orders Tribunals are maintained.</td>
<td>Included in the Quality Assurance Group updates to the Committee.</td>
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<tr>
<td><strong>g</strong> High quality standards of case management by case managers are maintained.</td>
<td>Annual review of case management scheduled for May’s MPTS Committee meeting.</td>
</tr>
<tr>
<td><strong>h</strong> The setting and maintenance of guidance for the MPTS tribunals, case managers and legal assessors, as required.</td>
<td>Guidance requiring consideration by the MPTS Committee to be added to the work programme as required.</td>
</tr>
<tr>
<td><strong>i</strong> That the MPTS applies the equality and diversity strategies and policies of the GMC.</td>
<td>Integral part of Committee’s consideration and decision-making.</td>
</tr>
<tr>
<td><strong>j</strong> Notification of Medical Practitioners Tribunal and Interim Orders Tribunal decisions as required by the Medical</td>
<td>Executive Managers report.</td>
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<td>Act.</td>
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<td><strong>k</strong></td>
<td>Effective liaison with all users of the hearings service provided by the MPTS</td>
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<tr>
<td><strong>l</strong></td>
<td>An annual report which meets the requirement of Section 52B of the Medical Act 1983 as amended.</td>
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<tr>
<td><strong>m</strong></td>
<td>From the MPTS vision:</td>
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<td></td>
<td>- Make high quality well-reasoned, independent decisions to protect the public</td>
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<td>- Runs hearings efficiently and effectively, using resources appropriately</td>
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<td>- Treats all tribunal service users with respect and fairness</td>
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<td>- Has a distinct voice, clearly articulating our role</td>
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<tr>
<td><strong>n</strong></td>
<td>Priorities from the MPTS business plan 2019</td>
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