MPTS Committee
Wednesday 6 February 2019
10:00 – 13:00
Meeting Room 4.32
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 performance data and MPTS risk register
6. Tribunal members training update
   Break for tea / coffee
7. Internal audit review: MPTS Committee’s governance processes and Siebel segregation
8. Adjournments quarterly update
10. Update on appeals
11. Review of the effectiveness of the MPTS Committee 2018
12. Update on the MPTS Committee’s work programme for 2019
13. Any other business
14. Date and time of next meeting: Wednesday 8 May 2019, 10:00 – 13:00, 7.70 SJB

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To approve

Minutes of the Meeting on 13 November 2018

Members present

Dame Caroline Swift, Chair
Joy Hamilton
Patricia Moultrie

Others present

Gavin Brown, Executive Manager MPTS
Vaishali Fitton, Senior Legal Adviser MPTS
Bernadette Beisty, Governance Officer MPTS and Committee Secretary
Colin Barker, Communications Manager MPTS (item 6)
Tamarind Ashcroft, Head of Tribunal Development MPTS (item 7)
Samantha Bedford, Case Manager MPTS (items 8 and 9)

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 MPTS Committee members and attendees to the meeting.

2 Apologies for absence were received from Anna Rowland, Assistant Director of Policy.

Declaration of interests

3 There were no declarations of interest.

Minutes of the previous meeting

4 The MPTS Committee approved the minutes of the previous meeting held on the 11 September 2018 as an accurate record.

Action sheet update

5 The MPTS Committee reviewed the Committee’s action sheet and noted progress on the following actions:

a Action 1 on the action sheet: to review whether appropriate questions could be added to the Welcome to UK Practice survey regarding awareness of the MPTS and the need for doctors to have indemnity insurance. This action is ongoing and part of a wider piece of work to engage more fully with doctors and medical students and to raise awareness of the MPTS.

b Action 2: the MPTS Communications team to work collaboratively with the GMC External Affairs team on a communications strategy, including the possibility of changing the language in the letters sent to doctors. The MPTS Committee noted the update on the action and discussed the methods which could be used to measure the impact of any changes made.

c Action 3: to signpost doctors to medical benevolent organisations which help doctors with financial support. The MPTS Committee noted progress on the action. The benevolent organisations identified are to be contacted for agreement that they can be signposted on the MPTS website.

d Action 4: to provide a fact sheet on the recruitment process and revalidation options for those considering whether to seek appointment as medical tribunal members. The MPTS Committee received confirmation that this would be actioned alongside the imminent recruitment campaign.
Action 5: to agree that the guidance on downloading and printing documents for hearings should be highlighted during training for tribunal members. The MPTS Committee noted progress on the action and discussed the value of introducing a system that does not allow the user to download documents.

Action 6: to amend the conditions bank. The MPTS Committee noted that the ongoing review of the conditions bank would be completed by April 2019.

Chair’s report

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

7 Two Quality Assurance Group (QAG) meetings have been held since the last MPTS Committee meeting. The meetings have identified a number of learning points and these have been addressed during tribunal members’ training.

8 The annual training for tribunal members is currently underway and has included some new preliminary eLearning modules. The feedback from these has been mainly positive; it included some suggested amendments, which were related to the software rather than the content of the eLearning, and these will be addressed.

9 The shared chairs’ training with the Nursing and Midwifery Council (NMC) has been delivered. It has been well received, particularly the opportunity to share learning points with chairs from another regulator. The shared training will now be evaluated to assess whether the overall benefits of the training justify repetition in the future.

10 The Chair and the Executive Manager continue to have regular meetings with the Professional Standards Authority (PSA). Recent meetings have covered the PSA’s priorities for 2019 which include a focus on the witness experience.

11 The Chair highlighted the new arrangements for the review of adjournments, noting that a full update would be provided as part of the Adjournments Quarterly Review paper.

12 The MPTS User Group continues to provide a forum for the MPTS to keep tribunal users up to date with the latest developments and also for those users to raise any concerns they may have. Two members of the MPTS Committee attended the last meeting held in September 2018. The main focus of the meeting was positive and the meeting included discussions about case management and an update on the current Sanctions Guidance review.

13 Afternoon teas held by the Chair with members of staff continue to be a very valuable opportunity for her to spend time with them and to receive feedback and
ideas. The Chair highlighted the continued enthusiasm of staff for the MPTS and their strong commitment to their work.

14 The Chair reported that work to review the Sanctions Guidance is ongoing. A formal Working Group has been established with the GMC and will be chaired by her.

15 The Chair reported that she had met the future Chair of the GMC, Dame Clare Marx, in September 2018. She said that she was looking forward to working with her.

16 The opening ceremony for the new accommodation on the 7th floor, St James’s Buildings, took place on 15 October 2018. The response from reception staff to the new accommodation has been positive; they report that the improved space provides a more pleasant working area for them and is more welcoming for visitors.

17 There has been a recent internal audit of the Siebel segregation and MPTS Committee governance processes. The outcome reports from the audits were positive, with only some minor recommendations outlined in them. These reports will be shared with the Committee at their meeting in February.

18 Officials from the British Medical Association (BMA) Wales visited the MPTS in October 2018. The visit provided an opportunity for them to attend MPT hearings to gain experience and understanding of our processes.

19 The Chair spoke at the GP Appraisers Conference, Birmingham in October 2018. This was a valuable opportunity to provide information about the role of the MPTS and to give reassurance that only a relatively small numbers of doctors appear before MPTS tribunals.

20 The new MPTS website is due to be launched on 18 November 2018. It will be easier to use and improvements have been made to the look and structure of the site. Internal feedback on the test site has been positive so far, with some useful comments on potential improvements which might be made.

21 During the discussion, the MPTS Committee noted:

a the increased use of eLearning for tribunal members. They discussed whether tribunal members should be paid for completing eLearning.

b that non-tribunal members of the Committee would benefit from updates on the content of tribunal members’ training.

c the potential benefits to the organisation of continuing the shared chairs’ training with the NMC.
the visit from BMA Wales and suggested that a more proactive approach to engagement with external stakeholders should be considered.

Executive Manager’s report

22 The Executive Manager summarised the key points from his report.

23 The MPTS Committee discussed in detail the performance data set out in the report and noted that the MPTS continues to meet the Interim Order Tribunal (IOT) target every month and that, in the majority of months, the Medical Practitioners Tribunal (MPT) target is exceeded.

24 The MPTS Committee reviewed and approved the MPTS risk register, noting that there have been no significant changes to it since the previous MPTS Committee meeting.

25 The MPTS Committee received an update on the financial position, including the organisation’s performance against the efficiency target for the financial year.

26 The MPTS Committee noted the proposed MPTS budget for 2019.

27 The MPTS Committee noted the formal consultation process prior to the changes to the staffing structure of the MPTS. They were told that restructuring would create new posts to support the strategic direction of the MPTS and create a different approach to the way in which projects are managed.

28 The MPTS Committee noted that the MPTS Annual Report to Parliament 2017 was published on 25 September 2018, on the same day as the GMC Annual Report, since the two documents reference each other.

29 The MPTS Committee noted the latest learning points from appeals. The update included learning points and principles arising from the judgments given in appeals/challenges to tribunal decisions from 1 July – 30 September 2018.

30 The MPTS Committee noted that there will be a campaign to appoint tribunal members to join our IOT and MPT pools; it will start in January 2019.

31 The MPTS Committee noted that new accommodation on the 7th floor provides office space for IS and the Facilities team, for a visitor reception, a waiting area for witnesses, three meeting rooms and a bespoke training room.

Report of the MPTS Committee to GMC Council

32 The Communications Manager, MPTS, presented the key points from the report.
33 The report gives an update on the work of the MPTS since the last report to Council in June 2018.

34 During the discussion, the MPTS Committee noted that the financial position had changed since the report was drafted and the new figures would be added to the report before submission to Council.

35 The Committee suggested a number of amendments to the report which will be made before it goes to Council.

Update from the Quality Assurance Group (QAG)

36 The Head of Tribunal Development, MPTS, presented an update from the Quality Assurance Group.

37 The MPTS Committee noted the key points:

   a a new determinations framework for MPT hearings is now being used. It encourages a more logical and consistent approach. There are plans to introduce determination frameworks for other hearing types.

   b in order to address some of the themes emerging from appeals as soon as possible, a video and webinars were delivered to tribunal members in summer 2018.

   c feedback from the PSA and GMC.

   d revised selection criteria for QAG reviews now being implemented.

38 Having noted the proposed operational adjustments to the volume of determinations reviewed by QAG, the MPTS Committee approved a recommendation to confirm that the process for QAG remains appropriate.

Case management review

39 The Case Manager, MPTS provided an overview of the case management review.

40 Key points from the presentation included:

   a the scope of and methodology used to conduct an internal review of the case management process currently being used.

   b the recommendations arising from the review and steps to be taken towards implementation.

41 During the discussion, the MPTS Committee noted that:
a implementation of the proposals has been agreed and is anticipated to take place by end of April 2019.

b the proposals should have a positive impact for the MPTS and MPTS users.

c it will receive annual updates regarding the performance and development of the case management service, including an evaluation of the impact of the proposals to be implemented in 2019.

**Adjournments quarterly review**

42 The Case Manager, MPTS presented the Adjournments Quarterly Review. The key points from the report included summaries of:

a the key issues arising from hearings adjourning in Quarter 3 2018.

b the actions being taken forward by the MPTS Adjournments Working Group.

43 During the discussion, the MPTS Committee noted the proposed changes to reporting structures for the review of adjournments. The functions of the Adjournment Working Group will transfer to the MPTS Senior Management Team, with adjournment reports and recommended actions to be reviewed on a monthly basis. The Chair will also continue to receive regular updates on progress.

44 The MPTS Committee noted the update and agreed the new reporting structure for the review of adjournments.

**The proposed MPTS Business Plan for 2019**

45 The MPTS Committee reviewed the MPTS Business Plan for 2019, noting updates on the following projects:

a Knowledge and pre-hearing programme

b Technology programme

c Tribunal enhancement programme

d Policy programme

46 During the discussion, the MPTS Committee noted:

a that the previous review of the Sanctions Guidance had been in response to legislative changes. The latest review of the Sanctions Guidance would look more
widely at the structure of the guidance with the aim to provide guidance to assist tribunals in making proportionate and consistent sanction decisions.

b that, as part of the review of the Sanctions Guidance, the MPTS would be looking at how other regulators have approached their Guidance.

47 The Committee also discussed whether there should be separate Impairment Guidance.

Review of the MPTS Committee’s Work Programme for 2019

48 The MPTS Committee reviewed its forward Work Programme for 2019.

49 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.

50 Key points of discussion included the recommendations of the internal audit of MPTS Committee governance processes which highlighted the need for a more proactive review of the MPTS Work Programme.

51 In response to the internal audit recommendations, the MPTS Committee agreed a more proactive approach to the production and review of the work programme.

52 The MPTS Committee approved the Committee’s Work Programme for 2019.

Any other business

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

a Agenda item 5, Annex B: The MPTS risk register. This paper is being withheld from publication in line with corporate policy on the publishing of risk registers.

a Agenda item 6: Report of the MPTS Committee to GMC Council. This report is in draft form and will be released for publication after approval at December’s Council meeting.

b Agenda item 10: The proposed MPTS Business Plan for 2019 is being withheld from publication as this is in draft form and will be released for publication once it has been approved.
The Committee noted the date and time of the next meeting: Wednesday 6 February 2019, 10:00 - 13:00.

Confirmed:

Dame Caroline Swift, Chair

6 February 2019
Executive summary

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

It includes updates on performance, risk, finance, staffing, tribunal member appointment campaign and facilities.

Annex A is the MPTS performance data and Annex B is the MPTS risk register.

Recommendations

The Committee is asked to consider the report, along with the annexes.
Performance
1 For a summary of MPTS performance in 2018 please see Annex A.

Risk
2 The only change to the MPTS risk register, since November’s Committee meeting, has been to the wording of Risk 7 (see Annex B).
3 There has been no movement in the risk ratings.
4 There are currently no risks relating to the work of the MPTS on the GMC Corporate Opportunities and Risk Register.

Finance
5 At the Committee meeting our intention is to present the final financial position of the MPTS for 2018. At the time of drafting this report this had not yet been finalised.
6 GMC Council has approved the MPTS budget of £8.757 million for 2019 and the Executive Board has approved, from the New Initiative Fund, £38,173 for the recruitment and induction expenses of 25 new medical tribunal members.
7 The 2019 budget includes an efficiency target of 2% and churn adjustment.
8 We have assumed that hearing days in 2019 will remain at the level forecast in 2018 (2504 plus 72 Review on Papers days).
9 We have also reduced our estimate of average hearing length compared to the 2018 budget based on the actual hearing lengths recorded in 2018. For example, new hearings days have dropped from 6.66 to 5.95 days.
10 The proposed increase in budget for 2019, against the forecast spend in 2018, is due to the growth bids approved by GMC Council for the recruitment and induction expenses for 25 new Legally Qualified Chairs and a new Case Management Assistant.
11 The 2019 budget has been set based on forecasts of the number of cases likely to be referred by the GMC. Any significant change in the number of cases referred has a corresponding impact on the MPTS’s financial position.

Staffing
12 At the November 2018 MPTS Committee meeting, members were given details of the proposed MPTS structure for 2019.
On 1 January 2019 our restructure was completed, so the MPTS is now organised into four sections (Operations, Tribunal Development, Case Management and Communications & Corporate Governance).

Scott Geddes and Tamarind Ashcroft continue to head the Operations and Tribunal Development sections respectively.

For Tribunal Development, an external recruitment campaign to fill the new Training and Development Manager role has been taking place; an update on progress will be provided to Committee members at the meeting.

Samantha Bedford has been appointed as head of the new Case Management section. As well as David Maguire as the Legal and Case Management Adviser, this team now includes three Case Management Officers (Christine Haynes, Jessica Keaney and Claire Riley). We will shortly be recruiting a permanent Case Management Assistant at L5, with Daryl Fox currently seconded to provide additional support to the team in the meantime.

Following an external recruitment campaign, we have appointed a new Case Manager: Margaret Barry is scheduled to join the MPTS on 11 March 2019 from GMC Legal.

Colin Barker has been selected, following an internal GMC recruitment exercise, to be the first head of the Communications & Corporate Affairs section.

Colin’s section is responsible for the communications, governance, audit, data, reporting and insight functions of the MPTS along with the provision of support to the Chair and SMT.

As part of these changes Joanne Shepard, formerly the MPTS Data Manager, will now report to Colin and have a number of additional responsibilities including business planning, corporate reporting and document control. This is reflected in Joanne’s new job title of Information & Insight Manager.

Colin’s promotion leaves the MPTS with a vacancy for a Communications Manager; we hope to be in a position to share the outcome of our recruitment activity in respect of this post at the meeting.

Scott, Tamarind, Sam and Colin, plus myself as Executive Manager and Vaish Fitton the MPTS’s Senior Legal Adviser form the Senior Management Team.

We have begun work on implementing a new approach to continuous improvement initiatives 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.
Individuals that were part of the Change Team have been successfully redeployed elsewhere in the GMC; three have remained with the MPTS whilst one has taken up a new role in the Education and Standards directorate. The Executive Manager would like to thank colleagues in Human Resources for their support in facilitating this.

We have also begun the process of creating Level 5 posts to provide developmental opportunities between our current Tribunal Assistant and Tribunal Co-ordinator roles. At the MPTS all-staff meeting in December 2018, Scott and Tamarind shared some initial thoughts in respect of this following a review of roles and responsibilities of Level 4s by Human Resources colleagues.

Tribunal member appointments

On 4 January 2019, we advertised for Legally Qualified Chairs (LQCs) and Medical Tribunal Members.

The roles were advertised on the MPTS website and other relevant publications and websites and we contacted individuals who had expressed an interest in the role to notify them of the campaign.

The Committee was provided with further information, including a link to the campaign, on the 3 January 2019.

The closing date for applications was midnight on Friday 25 January 2019.

Facilities

One of our first projects this year will be to improve how we number our hearing rooms – and we’d like your thoughts on what is being proposed.

As we all know, finding your way around our hearing centre isn’t as easy as it should be, especially for anyone who is new to the MPTS or here for just one day. Room numbers are no longer in a logical order, the corridors look very similar and there is often no easy way to describe to a visitor how to get somewhere.

Our award winning MPTS Customer Service Challenge team have made some suggestions on how we can improve this.

They have suggested:

- Colour coding of corridors, inspired by the MPTS ‘rainbow’ badge.
- Putting hearing room numbers in a more logical order.
- Using letters instead of numbers to name meeting rooms.
We think this would help everyone provide directions to visitors, for example “hearing room 4.6, on the green corridor”.

To get staff’s thoughts and suggestions we ran a number of drop-in sessions, discussed the proposals at the Staff Network meeting held on the 22 January 2019 and asked for views via email.

At the Committee meeting we will share the group’s work and would welcome any thoughts you may have.

The office temperature where the Operations section staff sit has been highlighted at the Staff Network and other forums.

In early December 2018, radiators were re-instated in that area; staff feedback concerning this has been very positive.

This work is a prelude to the refurbishment and refit of the Operations area that we have planned for 2019.

Facilities colleagues will be holding planning and drop-in sessions with MPTS staff during the first quarter of 2019 with implementation planned by the end of second quarter.

In terms of the tribunal members dining room we have installed radiators to the perimeter of the room which will help to heat the room and help negate the cold coming from the old windows.

In the budget for 2019 Facilities have included costs for installing secondary glazing which again will help regulate the temperature in the room, allowing windows to be opened in summer and fewer issues from the cold from the old single glazed windows in winter. If this budget item is approved we will aim for this work to be completed in quarter one.

During the Christmas break the walls have been redecorated and work has begun on replacing the old ceiling tiles.

New chairs and tables have been ordered and are expected to be in place by the middle of February 2019.
The chair we have chosen is illustrated below. These will be in two different shades of green to reflect the MPTS colours.

The table we have chosen is pictured below. There will be four large round ones which will seat around eight people whilst the smaller rectangular ones will seat four.
5 – Executive Manager’s report

Agenda item 5 – Annex A

2018 MPTS Performance Review
**2018 MPTS Performance Review**

*Number of referrals and hearing room utilisation in 2018*

1. In 2018, in comparison to 2017, referrals to MPT and IOT have increased by 23% and 11% respectively.

2. The KPI target for hearing room utilisation of 80% equates to 12 hearing rooms and therefore 100% represents the use of 15 hearing rooms.

3. Over the course of 2018 the average hearing room utilisation was 83.25%. However, looking at the average masks several peaks and troughs - for example in December 2018 we were utilising 16 hearing rooms (104% utilisation rate). Amongst other issues, this high level of utilisation results in a backlog of hearings related administrative tasks.

4. We have been discussing with Fitness to Practise colleagues options for flattening out the MPTS’s (and GMC’s) pre-hearing and hearing workload.

5. Samantha Bedford who, with her new case management section, is leading on the implementation of the recommendations of the case management review gave an update to the Committee in respect of this in November 2018.

6. Since we fill our hearing calendar several months in advance, we do not anticipate being able to analyse the benefits of this initiative until the second half of 2019.

7. As a first step, the MPTS SMT has agreed that for all hearings yet to be listed, the Case Management team will aim to limit the number of hearings listed per day to a maximum of 15, rather than 17.
8. This change should enable us to still meet our overall service targets but, crucially, will serve to reduce and even out the monthly hearings workload to a more manageable and sustainable level.

**Length of time between referral and hearing commencement in 2018**

9. Currently the MPTS utilises the classification of investigations by the GMC to set the timeline for listing MPT hearings.

10. The GMC’s classify its investigations into three types: regional investigation, criminal conviction and national investigation.

11. For the first two types the MPTS’s Service Level Agreement is to list within 9 months whilst for the third it is 6 months.

12. In terms of split in 2018, 77% of the cases referred to the MPTS had a 9 month commencement target.
13. In 2018 52% of MPT hearings commenced within 6 months.

14. In 2018, of the 8% (20 hearings) that commenced outside the overall 9-month target, as in 2017, the vast majority did so following an application from the doctor/defence to postpone, adjourn or list outside of target.
Outcomes in 2018

15. In 2018, IOT and MPT hearing outcomes have remained consistent with outcomes historically. For IOT the last 5 year average outcomes were suspension 15%, conditions 65% and no order made 20%.

16. For MPT, 5 year statistics show an average split between outcomes of impairment and no impairment of 78% and 22% respectively. In 2018 this split was 79% / 21%.

17. Continuing the consistent trend of the past 5 years, in 2018 erasure and suspension equalled an average of 68% of total outcomes.
5 – Executive Manager’s report

Agenda item 5 – Annex C

MPTS Finance Report
MPTS Finance Report for 2018

Prepared for the MPTS Committee meeting on 6 February 2019

Summary

In 2018 the actual spend for MPTS was 3.4% higher than budget. At Q3 we had forecast full year spend would be 3.0% higher than budget.

The reason for this slight increase is a higher number of hearing days than predicted in quarter 4, and an adjustment to year end accrual based on an increase to average travel cost per hearing day.

The overall variance to budget is driven by a significant increase in hearing volumes.

However the financial impact of the significant increase in hearing volumes is largely offset by the savings made through the expansion in the use of Legally Qualified Chairs (LQCs).

Hearing Volumes

57% of MPTS spend in 2018 was directly linked to hearing volumes. This includes costs such as tribunal member fees and 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.

In 2018 there has been 14.2% more hearing days than budgeted.

The reason for this increase in hearing days is due to a significant increase in referrals from the GMC since August 2017.

Average hearing length has been slightly lower in 2018 than it was in 2017.

This increase in hearing volumes accounts for £587k of additional expenditure against budget on direct costs for the year.

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The financial impact of the increased hearing volumes is mitigated somewhat by the increased efficiency savings we have achieved.

During budget setting we were given a 3% (£267k) efficiency target.

For the full year of 2018 we have overachieved against this target by £516k, which is a slight increase on the forecast in Q3 which was to overachieve by £509k full year.

This is due to increased use of LQC led hearings.

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 have been 88% in 2018.
Report title: Training update
Report by: Tamarind Ashcroft, Head of Tribunal Development
tamarind.ashcroft@mpts-uk.org, 0161 240 7291
Action: To note

**Executive summary**
This paper summarises the tribunal member training delivered in 2018 and details future activity.

Video and webinars were delivered as optional training during the first half of the year focussing on learning from appeals.

MPT and IOT tribunal member training delivered September to November 2018. Less than 10 individuals still require the training; it is essential that this is completed before they next sit.

Case law updates were delivered through e-learning for the first time.

Central e-learning on information security.

Legally qualified individuals received a separate session at annual training focussing on their role and a more detailed look at case law.

Chair training delivered jointly with Nursing and Midwifery Council in 2018.

**Recommendation**
The MPTS Committee is asked to note the current position with regard to training tribunals and the plans for 2019.
**Training needs**

1. Training needs for MPTS tribunal members fall into two main categories; induction training for those newly appointed to the MPTS or a new associate role within the MPTS or refresher training, delivered each year.

2. Induction training will broadly follow a similar approach on each occasion. Content includes the legislative framework and skills for the role, using a combination of presentations and case studies. No induction training was undertaken in 2018.

3. Refresher training will be delivered annually and the content is driven by outputs from the Quality Assurance Group (QAG), developments to processes/ guidance/ law, and/or due to any specific needs identified over the course of the previous 12 months.

**Videos/ Webinars**

4. In Q2 of 2018 it was apparent that learning from appeals needed to be shared earlier than at annual training. In light of this, we were able to produce a video highlighting the key themes emerging from the courts and followed this up with four webinar sessions to address any questions as a result of viewing the video. 41% of tribunal members attended one of the optional webinars.

**E-learning**

5. Further to feedback in previous years, this year we provided case law training through an e-learning module.

6. Staff within Tribunal Development have been trained and can now produce e-learning modules independently. A framework and quality assurance process for the creation, development and upload of e-learning modules has been established with the Information Systems department (IS) to ensure suitable support in delivering modules effectively.

7. The module covered a broad overview of case law developments in 2017/18 and honed in on some specific cases to expand on these in a more memorable approach. The module was followed up at face to face training with a brief summary of the answers to the assessment included within the module.

8. Feedback indicates that 89% of tribunal members found their knowledge of case law to be greater or refreshed following the combination of e-learning and follow up at face to face training. 70% of tribunal members found e-learning to be an effective method for learning about case law.
9 Two main learning points were identified through feedback - the limitations of the assessment aspect not providing real time answers and the time predicted for the completion of the module. These were anticipated issues and they have been incorporated into future development of e-learning which is already underway.

10 Central e-learning on information security was also cascaded mid-2018 as a result of the introduction of GDPR.

Annual training 2018

11 Interim Order Tribunal (IOT) training took place across September and October. Training included learning points arising from the QAG, information security and developments across the MPTS and GMC. A specific session on drafting, decision making and reasons, reviewing a selection of determinations made in 2018 was also included.

12 Medical Practitioners Tribunal (MPT) training took place between September and November. Training included all matters as covered in IOT but the specific session focussed on the use of aggravating and mitigating factors. This topic was selected further to QAG trends and themes emerging from judgments. The session included group work reviewing actual cases stripped down to focus on only the elements listed as aggravating/ mitigating and encouraged peer and self-led learning.

13 Legally Qualified Chairs received an additional 2-2½ hours training at the end of each training session. This focussed on reflections from their first year in post as LQCs to identify any learning points and then concentrated on a more detailed look at some case law areas and legal processes.

14 This year feedback was gathered electronically only for the first time. While only 58% of delegates completed feedback the level of comments captured was greater and the analysis easier to compile.

15 Feedback indicated that in addition to positive feedback for the e-learning case law update;

   a 80% agreed or strongly agreed that they had a greater or refreshed understanding of aggravating and mitigating factors;

   b 83% that they had greater or refreshed understanding of analysing submissions and providing detailed reasons;

   c 79% felt that the policy and other developments update also gave them greater or refreshed understanding of this area.
Chair training

16 This year, chair training was delivered jointly with the Nursing and Midwifery Council (NMC). Significant analysis of hearings was undertaken independently by both organisations to identify the topics to be incorporated into training. It was identified that managing parties effectively to minimise adjournments and managing vulnerable individuals within the hearing room were mutual areas of interest.

17 A joint approach to developing a case study was adopted which would facilitate topics being explored through discussion and a form of role play. An external trainer was identified to deliver presentations and highlight through plenary sessions the judge craft skills that were being refreshed.

Future activity

18 In 2019 we will be analysing the impact of the collaborative training with the NMC on hearings at the MPTS to understand the non-quantifiable benefits more clearly.

19 Work is already in progress to complete an e-learning module on the work of the IOT to assist those that will move from the MPT to IOT pool. We will then concentrate on producing modules on non-compliance hearings and a further case law update.

20 We intend to deliver further videos and webinars this year due to the positive feedback received from having more timely updates.

21 Induction training for new appointments will be in June and annual training will be between May and October.

22 The Committee is asked to note the training programme.
### Agenda item: 7

**Report title:** Internal audit review: MPTS Committee’s governance processes and Siebel segregation

**Report by:** Lindsey Mallors, Assistant Director Audit and Risk Assurance  
lindsey.mallors@gmc-uk.org, 020 7189 5188

**Considered by:** MPTS Committee

**Action:** To note

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**Executive summary**

As part of the GMC’s annual audit programme, MPTS was subject to two internal audit reviews in autumn 2018:

- A spot check review of MPTS system access and the separation from GMC fitness to practise activities
- A review of the Committee’s governance processes.

Both reviews have positive outcomes with only a small number of minor recommendations for further improvement.

**Recommendation**

The Committee is asked to note the reports.
**Introduction**

1. As part of the GMC’s annual audit programme agreed by the Audit and Risk Committee, MPTS was subject to two internal audit reviews in autumn 2018:
   - A spot check review of MPTS system access and the separation from GMC fitness to practise activities
   - A review of the Committee’s governance processes.

**System access**

2. The purpose of the review was to provide assurance that the shared technology environment for MPTS and Fitness to Practise is sufficiently segregated to ensure investigatory and adjudication processes are independent, impartial and fair.

3. The review considered the processes in place to provide MPTS with access to data from the Siebel system and whether the access controls in place were sufficient to demonstrate appropriate segregation. The full audit report is attached at Annex A. It concludes that the GMC has a mature approach to the management of Siebel users with only minor areas recommended for improvement to meet best practice. There are three recommendations arising which MPTS management has accepted. Once these are actioned, they will be reported to the Audit and Risk Committee as completed.

**Committee governance process**

4. The scope of this review was to provide assurance that the new governance processes introduced to support the Committee’s activities are robust and fit for purpose following the transition of governance support from the GMC corporate Governance Team to MPTS directly through the appointment of a Governance Officer.

5. Again the report is a positive one, recognising the newness of the role. It notes the commendable steps already taken in moving the administration arrangements, building appropriate documentation/guidance, and encouraging greater engagement of the Committee in appropriate activity oversight for members’ strategic role. Four continuous improvement recommendations have been suggested and all accepted by management. A copy of the report is at Annex B.
7 – Internal audit review

Agenda item 7 – Annex A

MPTS system access and segregation spot check review
# MPTS system access and segregation spot check review

Status: Final as at 6 November 2018

<table>
<thead>
<tr>
<th>Audit opinion</th>
<th>Green-amber</th>
<th>Generally, meets best practice standards, but with minor areas recommended for improvement to meet best practice.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Audit sponsor</td>
<td>Gavin Brown, Executive Manager, MPTS</td>
<td></td>
</tr>
<tr>
<td>Audit team</td>
<td>Work undertaken by Lyle Lumsden, IT Assurance Manager, Moore Stephens, Report reviewed by Mathew Ring, Director of IT Assurance, Moore Stephens</td>
<td></td>
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<tr>
<td>Distribution</td>
<td>Joanne Shepard, MPTS Data Manager, MPTS, Daniel Robertson, Siebel Development Manager, Paul Wyatt, Cyber Security Manager, Michael Johnson, Systems Manager, Andy Day, IS Service Desk Manager</td>
<td></td>
</tr>
<tr>
<td>Audit schedule</td>
<td>Scope agreed: 6 September 2018</td>
<td></td>
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<tr>
<td></td>
<td>Fieldwork completed: 23 October 2018</td>
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<tr>
<td></td>
<td>First draft report issued: 5 November 2018</td>
<td></td>
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<tr>
<td></td>
<td>Management comments and response to actions: 6 November 2018</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Final report issued: 6 November 2018</td>
<td></td>
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Purpose

1. The purpose of the review is to provide assurance to the Executive Manager for MPTS, Executive and Audit and Risk Committee and Executive that the shared technology environment for the Fitness to Practice (FTP) and The Medical Practitioners Tribunal Service (MPTS) is sufficiently segregated to ensure that that the investigatory and adjudication processes are independent, impartial and fair. The MPTS service is a separate entity to the GMC but makes use of the Siebel system for the collection and processing of data associated with the Tribunal process. As a corollary of this arrangement, the MPTS service relies on the associated management controls that support the creation and removal of users and the securing of the application in its entirety. Failure to adequately separate the two environments may prejudice a doctor under investigation and thus bears a significant risk of harm to the individual in the event of inappropriate disclosure.

2. The review assessed:
   - the processes in place to provide MPTS with access to data from Siebel; and
   - whether the access controls used to control MPTS access, including a review of the segregation arrangements, are appropriate.

Conclusions

Assessment: Green Amber

3. The GMC has a mature approach to the management of users using the Siebel system, particularly concerning the provision of new user access. It was noteworthy that the process to provision new users is supported with an explicit roles and responsibility tool to assist service desk staff in ensuring that the new user receives only those roles that are designed for a particular use-case.

Guidance and procedure

4. The GMC has an explicit Starters, Leavers and Movers Procedure. Through interview and inspection of the procedure documents and tools used to create, amend and de-provision users, we confirmed that an ITIL aligned process is followed for this activity.

5. Requests are recorded, approved, actioned and closed through a single record management tool. This is a key control for ensuring the consistent application of user authorisation permissions.

www.gmc-uk.org
6. We confirmed that the Siebel system supports role and responsibility abstraction. Abstraction of the authentication and authorisation privileges reduces administrative burden and the risk of human error associated with provisioning the wrong privileges.

7. We confirmed that privileges are collected into distinct ‘responsibilities’ and there are no merged or composite type responsibilities. Composite roles or responsibilities significantly increase the risk associated with managing the complexity of authorisation as responsibilities can be nested multiple layers ‘deep’.

8. We noted that in line with best practice, responsibilities are associated with posts and not with users. This approach significantly decreases the risk associated with ‘authorisation creep’, a scenario where an individual moves within the organisation but continues to have access to previous privileges. Our review of the documentation for movers demonstrates sufficient detail to support this control. There was a clear de-provision process similar to the leaver process and then rebuild of the position ensuring there is no risk of ‘carry over’ of privileges.

9. While we note that an existing reference user is consulted in building a new user we confirmed through inspection of the new user process that all responsibilities are explicitly presented in a macro enabled excel spreadsheet used by the Service Desk but owned by the Siebel design and development team.

10. Our inspection of the procedures to support the continuing maintenance and integrity of appropriate authentication and access noted that there is no formal user access recertification process. User recertification is the process of providing detailed user permission data to managers to confirm that (a) their team on the system reflects the actual working arrangements; and (b) the privileges/responsibilities given to the user on the system align to their work and they are not overly provisioned with permissions. This control is intended to assist managers in identifying a management oversight or a failure in the user provisioning process. Depending on the size, complexity and degree of change within the organisation this control should occur periodically within the organisation in a manner commensurate with the risk.

Recommendation

Recommendation 1 - Priority 2
Implement a user recertification process that requires positive affirmation of the suitability of permissions given to staff. (Note that while the information would be made available to a manager by IS, this control should be considered a management control.)

Management response

Accept

Comment:

Action Owner: Paul Wyatt, Cyber Security Manager, Dan Robinson, Siebel Development Manager

Completion date: 31 October 2019
Review of the technical implementation of responsibilities between MPTS and FTP

11 The ability of a Siebel user to undertake a particular read, write, delete or create action is authorised by the relationship of a user to a particular ‘view’ and a particular set of position ‘flags’ that control the actions of programmatic elements within the Siebel environment. To illustrate, if a FTP user wishes to see a dataset held by the MPTS team, they would need a particular ‘view’ to access the presentation of that data. Additionally if they were working within a ‘view’ and wished to change some data they might click on the ‘edit data’ button within the view. The logic behind the button would check to see the post was allowed to undertake ‘edit’ activity by checking the flags on the position. At a high level this relationship is represented below.

\[\text{USER}(1) \rightarrow \text{POSITION}(1) \rightarrow \text{RESPONSIBILITIES}(n) \rightarrow \text{View}(n)\]

The ‘1’s and ‘n’s denote the number of entities the particular element relates to. A user relates to a single position, however a position may have many responsibilities and each responsibility may have many views.

12 Whilst this model is well suited to administrative activity it can be prone to increasing levels of complexity, redundancy and potential for oversight as the organisation changes over time and the responsibilities and views are amended to reflect the new structures and positions.

13 Our analysis sought to rebuild the ‘tree like’ authorisation structure and compare the MPTS and FTP teams to identify areas of overlap that might be inappropriate. We additionally sought to identify if there were indications of a failing in internal integrity due to differences between responsibilities given to a single user.

14 We noted that some responsibilities are explicitly described as read only and that there are read only flags associated with positions. Using the read only descriptions we identified those users who had both read only and read/write access. We noted that this is relatively common within the user group examined. We confirmed with the Siebel development team that all instances identified were not an oversight but that the read only responsibilities had been historically altered and the naming designation had not been updated.

15 Our comparison of the views shared between MPTS and FTP expected an overlap on non-sensitive views. Using a string matching query we identified those shared views with elements that might indicate a mistake in provisioning of views. Our query found seven shared views that contained elements of “admin”; “complaint” and “hearing”.

16 Of the seven views identified, one was issued in error and has been corrected during this review. Whilst the exercise was designed to pick the views most likely to
represent a risk in terms of a breach in segregation of duties and thus there is unlikely to be other significant risk items remaining within the responsibilities shared between MPTS and FTP, in light of the error identified we would suggest that this area is formally considered for any residual risk exposure.

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Management response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Recommendation 2 - Priority 2</strong></td>
<td><strong>Accept</strong></td>
</tr>
</tbody>
</table>
| Consider the responsibilities provisioned to the FTP and MPTS and ensure that any views identified as having a risk exposure are confirmed as not being shared. | **Comment:**  
**Action Owner:** Joanne Sheppard, MPTS Data Manager  
**Completion date:** 31 May 2019 |

| **Recommendation 3 - Priority 3** | **Accept**                                       |
| Consider the degree of reliance on the naming conventions for responsibilities and views and if any have significantly deviated from their description. | **Comment:**  
**Action Owner:** Daniel Robinson, Siebel Development Manager  
**Completion date:** 31 May 2019 |
Annex A

Advisory Report definitions
Best and good practice is defined in terms of managing the risk to achieving organisational goals and the effectiveness of internal controls to mitigate those risks.

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
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<tbody>
<tr>
<td>Green</td>
<td>Meets best practice standards.</td>
</tr>
<tr>
<td>Green-amber</td>
<td>Generally, meets best practice standards, but with minor areas recommended for improvement to meet best practice.</td>
</tr>
<tr>
<td>Amber</td>
<td>Meets good practice standards in most cases, but some key areas where further development is required.</td>
</tr>
<tr>
<td>Amber-red</td>
<td>Some good practice operates but this is overshadowed by significant areas to develop further.</td>
</tr>
<tr>
<td>Red</td>
<td>Few or no good practice standards met.</td>
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Risk and significance categories

<table>
<thead>
<tr>
<th>Priority ranking</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Priority ranking 1</td>
<td>A significant step is required to bring the practice to a good standard.</td>
</tr>
<tr>
<td>Priority ranking 2</td>
<td>An important step is required to bring the practice to a good standard.</td>
</tr>
<tr>
<td>Priority ranking 3</td>
<td>A minor step is required to bring the practice to a good or best practice standard.</td>
</tr>
</tbody>
</table>
**Annex B**

The following staff have been consulted during the course of this work.

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
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</thead>
<tbody>
<tr>
<td>Joanne Shepard</td>
<td>MPTS Data Manager</td>
</tr>
<tr>
<td>Daniel Robinson</td>
<td>Head of Siebel development</td>
</tr>
<tr>
<td>Paul Wyatt</td>
<td>Cyber Security Manager</td>
</tr>
<tr>
<td>Andy Day</td>
<td>Head of Service Desk</td>
</tr>
</tbody>
</table>
7 – Internal audit review

Agenda item 7 – Annex B

Review of the MPTS Committee governance processes
Review of the MPTS Committee governance processes

Status: Final as at 19 October 2018

<table>
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<tr>
<th>Audit opinion</th>
<th><strong>Green</strong></th>
<th><strong>Amber</strong></th>
<th>Minor weaknesses have been identified in the control framework or non-compliance which may put achievement of system objectives at risk.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Audit sponsor</td>
<td>Gavin Brown, Executive Manager, MPTS</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Audit team     | Work performed by: Lea John, Senior Manager, Moore Stephens  
                 Report reviewed by: Lindsey Mallors, Assistant Director, Audit and Risk Assurance, GMC |
| Distribution   | Dame Caroline Swift, MPTS Chair  
                 Bernadette Beisty, MPTS Governance Officer |
| Audit schedule | Scope agreed: 7 September 2018  
                 Fieldwork completed: 10 October 2018  
                 First draft report issued: 17 October 2018  
                 Management comments and response to actions: 19 October 2018  
                 Final report issued: 19 October 2018 |
Purpose
1. The Medical Practitioners Tribunal Service (MPTS) Committee oversees the delivery of the hearing service for doctors. The MPTS is separate from the GMC and its role as investigator. The Committee ensures the service meets its responsibilities under the Medical Act. It is a statutory committee made up of five members and is accountable to GMC Council and Parliament. It is bound by a code of conduct.

2. Until recently, governance support was provided to the MPTS Committee by the GMC. MPTS has now appointed a Governance Officer to support the Committee.

3. The purpose of the audit is to provide assurance to the Audit and Risk Committee, MPTS Committee and Executive that the new governance processes introduced to support the MPTS Committee’s activities are robust and fit for purpose. This contributes to the Corporate Directorate risk – our governance arrangements may not enable the Trustees to discharge their accountabilities effectively.

Scope
4. The audit scope included review of new governance processes introduced to actively support and service the September 2018 MPTS Committee meeting

Approach
5. The planned audit approach was to:
   - interview the Governance Officer,
   - interview the Chair of MPTS,
   - interview the Executive Manage of MPTS,
   - review key documentation supporting the September Committee meeting.
Conclusion

The Medical Practitioner’s Tribunal Service (MPTS) was established in 2012. Through its tribunals, it provides adjudication services where concerns are raised over the practice of doctors and this is alleged to amount to a risk to public protection.

Operationally separate from the GMC and the investigation services provided by Fitness to Practise, the MPTS is overseen by a Committee which is responsible for the strategic vision of the MPTS and ensuring that the tribunal service is impartial and transparent.

However, whilst the MPTS is organised to be operationally separate, there is a tension in that it is not always perceived as such amongst stakeholders going through a tribunal process. The close working relationship between the MPTS and GMC and the fact that MPTS has in some respects been serviced by the GMC, creates an impression that the MPTS is not operationally distinct. This has the potential to damage the credibility of the role that the MPTS plays in the Fitness to Practise process as an adjudicator.

This issue, raised by the Chair of the MPTS with the leadership of the GMC, has resulted in the governance changes which were the focus of this review. MPTS has taken some commendable steps. Changes to date have centred around:

- Moving the administration of the MPTS Committee from the GMC Governance Team to improve transparency and create a clearer segregation. This resulted in the appointment of a designated MPTS Governance Officer in November 2017.
- Building a cohort of Committee administration related governance documentation as part of succession planning arrangements.
- Fostering greater engagement of the Committee in oversight of the wider performance and activities of the MPTS to support their strategic/advisory role through increased access to information.
- Consulting with the Committee on areas of interest for future reporting.

By its very nature, governance is iterative and effective governance is intricately linked to continuous improvement. As part of our work, we reviewed MPTS governance documentation and interviewed MPTS leadership. Overall, we have not identified any points of failure in the arrangements and controls in place. To support further enhancement we have proposed four recommendations for continuous improvement.
improvement which will further support the MPTS in the achievement of its The planned audit approach was to:

- Greater reflection of risk in papers prepared for the Committee. This would help to focus the Committee on the pertinence of the matter which it is being asked to consider.

- Engaging with the Committee during the development of their annual work plan rather than once the initial draft has been prepared and comes to Committee meeting for discussion and approval. This approach better aligns to the theme of engaging with the Committee on points which may be of interest to them.

- Developing in conjunction with the corporate governance handbook short and long term successional arrangements around the Governance Officer role.

- Setting aside time in the annual work plan for the Committee to enable it to evaluate its performance both individually and collectively.
# Recommendations

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Management response</th>
</tr>
</thead>
</table>
| **Recommendation 1** - Better reflect the risk(s) associated with the contents of papers presented to the MPTS Committee for consideration. | Accept  
**Comment:** Recommendation will be implemented for the next MPTS Committee meeting in February 2019.  
**Action Owner:** Gavin Brown  
**Completion date:** 6 February 2019 |
| **Recommendation 2** – Consult at an earlier stage as part of the development of the Committee work plan. | Accept  
**Comment:** Earlier consultation on the 2020 work plan has been included in the 2019 work plan. Additionally a review of the 2019 work plan has been added to the MPTS Committee meeting in May.  
**Action Owner:** Bernadette Beisty  
**Completion date:** 13 November 2018 |
| **Recommendation 3** – Develop appropriate short and longer term successional arrangements for the Governance Office post as part of wider MPTS business continuity planning. | Accept  
**Comment:** The corporate governance handbook will set out the short and longer term successional arrangements.  
**Action Owner:** Bernadette Beisty  
**Completion date:** 31 March 2019 |
| **Recommendation 4** – Set aside time annually in the MPTS Committee's work plan for evaluation to critically appraise performance collectively and individually. | Accept  
**Comment:** Annual evaluation has been added to the 2019 work plan. The evaluation of 2018 will take place at the MPTS Committee meeting in February 2019.  
**Action Owner:** Bernadette Beisty  
**Completion date:** 6 February 2019 |
## Annex A

### Assurance definitions

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<thead>
<tr>
<th>Color</th>
<th>Description</th>
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<tbody>
<tr>
<td><img src="#" alt="Green" /></td>
<td>Overall, there is a sound control framework in place to achieve system objectives and the controls to manage the risks audited are being consistently applied. There may be some weaknesses but these are relatively small or relate to attaining higher or best practice standards.</td>
</tr>
<tr>
<td><img src="#" alt="Green-amber" /></td>
<td>Minor weaknesses have been identified in the control framework or non-compliance which may put achievement of system objectives at risk.</td>
</tr>
<tr>
<td><img src="#" alt="Amber" /></td>
<td>Weaknesses have been identified in the control framework or non-compliance which put achievement of system objectives at risk. Some remedial action will be required.</td>
</tr>
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<td><img src="#" alt="Amber-red" /></td>
<td>Significant weaknesses have been identified in the control framework or non-compliance with controls which put achievement of system objectives at risk. Remedial action should be taken promptly.</td>
</tr>
<tr>
<td><img src="#" alt="Red" /></td>
<td>Fundamental weaknesses have been identified in the control framework or non-compliance with controls leaving the systems open to error or abuse. Remedial action is required as a priority.</td>
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### Risk and significance categories

<table>
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Annex C
The following staff have been consulted during the course of this work.

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
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<tbody>
<tr>
<td>Bernadette Beisty</td>
<td>Governance Officer</td>
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<tr>
<td>Gavin Brown</td>
<td>Executive Manager, MPTS</td>
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<tr>
<td>Dame Caroline Swift</td>
<td>Chair, MPTS</td>
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</table>
Agenda item: 8
Report title: Adjournments Quarterly Update
Report by: Samantha Bedford, Head of Case Management
           samantha.bedford@mpts-uk.org, 0161 240 7112
Considered by: MPTS Committee
Action: To note

Executive summary

This report:

- Summarises the key issues arising from hearings adjourning in Quarter 4 2018;
- Identifies actions to be taken forward by the MPTS Senior Management Team.
Adjournments Quarterly Review: Q4 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 Senior Management Team meeting and actions are assigned to be taken forward.

Overview of MPT Hearings Reviewed
3. A total of 45 MPT hearings (across all MPT hearing types) concluded earlier than scheduled in Q4 2018. An analysis of new MPT hearings only during the same period shows that 72.5% hearings concluded either early or on time.
4. A total of 38* MPT hearings adjourned in Q4 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>
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</thead>
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<tr>
<td>6-Month Cases</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>9-Month Cases</td>
<td>15</td>
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<td>Review Hearings</td>
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<td>Remittal Hearings</td>
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<td>0</td>
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<tr>
<td>Non-Compliance Hearings</td>
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<td>0</td>
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<tr>
<td>Restoration Hearings</td>
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<td>0</td>
</tr>
<tr>
<td>New &amp; Review Hearings</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

* Five hearing appears twice in the table below.
† Hearings which are scheduled to adjourn and reconvene, either through a planned split listing or due to reconvene dates.
References “Q4/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

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.

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 issue under consideration (Q4/04, Q4/06, Q4/14, Q4/23, Q4/26, Q4/31, Q4/35).
   ii Would have benefitted from managing hearing time more effectively by, for example, taking a stronger line with parties returning to the hearing room late or using case management directions to require parties to use hearing time efficiently (Q4/09, Q4/10, Q4/34, Q4/35).

b  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, number of allegations in dispute and/or issues related to the practitioner’s health (Q4/02, Q4/05, Q4/07, Q4/15, Q4/20, Q4/29).

c  Delays potentially caused by GMC case preparation – There were instances where avoidable delays appear to have been caused by issues relating to: errors in hearing bundles (Q4/04, Q4/09); inefficient witness timetabling (Q4/15, Q4/20); seeking adjournment of a review hearing to investigate a new matter (Q4/17); multiple applications to amend the allegation (Q4/34, Q4/35).

d  Delays potentially caused by doctor or defence representative preparation – There were instances where avoidable delays appear to have been caused by: inadequate preparation, leading to preparation time being required during hearing sessions (Q4/21, Q4/27); making a high volume of applications during the hearing (Q4/34).
Identified action points

8 The AWG identified a number of actions from the analysis of Q4 adjournments, as outlined below.

a Actions relating to Tribunal training, circulars or other guidance

i Consideration of whether further guidance is required to assist Tribunals when deciding whether to direct an assessment which is unrelated to the category of impairment contained in the allegation(s).

b Actions requiring liaison with stakeholders

i Feedback to GMC Legal about case presentation where appropriate, including hearing bundle preparation, witness scheduling and accuracy of allegations.

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

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. This will include consideration of when additional hearing days may be indicated for review hearings.

ii In all cases where a practitioner becomes self-represented before the hearing commences, consideration to be given to holding an urgent pre-hearing meeting (chaired by a Case Manager) to discuss hearing preparation.

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.
## Agenda item: 9

**Report title:** Delivery of the 2018 MPTS Business Plan and confirmation of the MPTS Business Plan for 2019

**Report by:** Gavin Brown, Executive Manager, gavin.brown@mpts-uk.org, 0161 240 8126

**Considered by:** MPTS Committee

**Action:** To consider

---

### Executive summary

This paper contains a review of the MPTS’s achievements against our Business Plan projects in 2018.

It then details the MPTS’s approved Business Plan activities for 2019 including, for each project, its corporate priority rating, reporting arrangements, sponsor and project manager. It also highlights our use of Microsoft Project Online (MSPO).

---

### Recommendation

The Committee is asked to consider the report.
Review of 2018 Business Plan activities

MPTS performance and knowledge programme

Performance data review and visualisation

1. This project sought to produce an increased understanding of MPTS performance and that of other stakeholders at all stages of the adjudication process.

2. Reporting fields have been added to Siebel that will calculate performance against the service target without the need to obtain input from operational managers. The decision on what value to select to drive the calculation has been transferred to the Head of Operations and the Head of Case Management and guidance has been circulated.

3. Requirements to auto-populate tasks to capture scheduled and unscheduled adjournments were released in October 2018.

4. A new approach to performance data visualisation has been introduced for reporting to the MPTS Committee and other governance meetings; we will continue to refine and improve this.

5. The MPTS Data Manager has been working with IS to implement a new performance dashboard. This will replace data collected and calculated manually by operational managers and will be released in Quarter 1 of 2019.

Workflow forecasting

6. Following an initial review, it was decided that the small marginal benefit that could be accrued from the MPTS developing its own workload forecasting model would be outweighed by the costs; therefore this project was removed from the MPTS Business Plan.

Knowledge hub

7. The MPTS has guidance documents and templates which need to be stored in a way which is easily accessed by MPTS staff. This project seeks to create a dedicated area on the MPTS intranet pages to store all operational guidance and templates.

8. The majority of MPTS teams have reviewed their current guidance documents in line with our document control process. Due to operational pressures it has not been possible for all documents to be reviewed.
9     Gaps have also been identified and teams are working to fill these gaps.

10    A dedicated space on the MPTS intranet has been created to store operational guidance and work has begun on moving documents to this area.

11    The continuation of this project forms part of the MPTS Business Plan for 2019.

Corporate programme

Publication & disclosure

12    Following a public consultation in June 2015 the GMC introduced time limits on how long fitness to practise information about doctors is published and disclosed.

13    MPTS work in support of this was concluded with the 8.4 Siebel release in October 2018.

Digital media strategy

14    The Digital Transformation 2020 project aims to transform the way the GMC communicate, engage and transact with customers online.

15    The new MPTS website launched on the 18 November 2018 using the refreshed MPTS branding.

General Data Protection Regulation

16    The General Data Protection Regulation (GDPR) came into effect on 25 May 2018 and forms part of the data protection regime in the UK, together with the new Data Protection Act 2018.

17    This project was formally closed by the MPTS SMT on 14 August 2018.

Hearing engagement

Doctor’s workbook

18    The doctors’ workbook was formally renamed as ‘Resources for doctors’. This project provided an opportunity to refresh our published guidance available to self-represented doctors and others unfamiliar with MPTS processes to increase their understanding and encourage better hearing preparation.
19 ‘Resources for doctors’ content was formally launched as part of the new MPTS website on the 18 November 2018.

**Hearing bundles in advance**

20 Hearing bundles in advance requires parties to work together to provide hearing bundles and other relevant information to MPT tribunal members in advance of the hearing, so that they are well-informed and prepared to start the hearing on Day 1.

21 This work built on the successful 2017 hearing bundles in advance pilot.

22 In March 2018 this project was fully implemented, with all external and internal supporting guidance published. Updates were provided at the MPTS user group meeting and the GMC Legal meeting. Two staff drop-in sessions were also held.

**Improved technology**

**Enhanced video conferencing**

23 A video link is a digital facility which allows a witness to give evidence at a hearing from a remote site so they don’t have to attend the hearing centre in person. This project sought to review the current technology and look at any issues experienced by users at the hearing centre.

24 A working group was set up to review the existing video link facilities. Staff collated issues from 2017 were considered and feedback from tribunal members was requested.

25 The feedback form issued to tribunal assistants was redrafted so that known issues could be analysed in more detail to provide intelligence for future hearings development.

26 Our supplier for video conferencing equipment set up a proof of concept on site to showcase a Polycom Centro unit. The voice activated 360 degree camera has potential but currently the cost cannot be justified.

27 Taking into account the feedback, a decision was made by the MPTS SMT not to purchase additional video conferencing units in 2018.

**Extension of paperless hearings**

28 Tribunal members view bundles for IOT, MPT review, non-compliance and restoration hearings on iPads.
Following bundles in advance being rolled out in all MPT hearings in March 2018 and all documentation being shared electronically, a working group has been set up to explore the potential of using a paperless solution in MPT hearings.

The continuation of this project forms part of the 2019 MPTS Business Plan.

Review of digital recording

An additional project was added to the Business Plan to review the digital recording system as it is now over five years old.

Members of the working group met with three suppliers to gain an understanding of the current technology and visited the Nursing and Midwifery Council (NMC) to view their system.

The continuation of this project forms part of the 2019 MPTS Business Plan.

This project aimed to replace the manual empanelling write out process with a self-service approach via Connect and to better facilitate the allocation of associates to hearings using Siebel dashboards.

The successful completion of this project has resulted in the saving of approximately 197 hours a year when compiling availability information. The transfer of data from Siebel is much more reliable and accurate and the risk of error when transferring the data has considerably reduced.

Closer working with other regulators

Shared training with the Nursing and Midwifery Council

The MPTS has worked with the NMC to develop, produce and deliver a skills-based training session for individuals currently contracted to work as chairs within fitness to practise hearings at one or both regulatory bodies.

Training has been delivered at both MPTS and NMC locations.

Preparation has started on the evaluation of the effectiveness of the training and the impact on hearings and the continuation of this project forms part of the 2019 MPTS Business Plan.
Working with other regulators

39 The MPTS wanted to identify and explore potential opportunities to work collaboratively with other healthcare regulators to deliver efficient and effective adjudication services.

a We contributed, with the GMC, to the Department of Health and Social Care joint regulatory reform consultation and will continue to engage in cross regulator meetings.

b The MPTS engaged with the GMC and General Dental Council (GDC) to explore the feasibility of the MPTS delivering an adjudication service for the GDC. In January 2018 the GDC concluded that this was not something it wished to pursue further at this time.

c Dame Caroline Swift met with the Williams review on 11 April.

d A delegation from the Armenian Health Authority and the Health Professions Council of Zambia visited the MPTS to learn about the way we run our hearing centre.
Approved 2019 Business Plan activities

This is the list of programmes, and associated projects, that the MPTS are planning to deliver in 2019:

<table>
<thead>
<tr>
<th>Knowledge and pre-hearing programme</th>
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<tbody>
<tr>
<td>Knowledge hub</td>
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<tr>
<td>Review of MPTS Siebel functionality</td>
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<tr>
<td>Resources for doctors</td>
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<tr>
<td>Enhancing case management</td>
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<tr>
<th>Technology programme</th>
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<tr>
<td>Extension of paperless hearings</td>
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<td>Review of digital recording</td>
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<tr>
<td>MPTS/NMC shared training review</td>
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<tr>
<td>Sanctions guidance</td>
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<tr>
<td>Voluntary erasure</td>
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<tr>
<td>Non-compliance hearings and tribunal directed assessments</td>
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<tr>
<td>Restoration</td>
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<tr>
<td>Suitable persons guidance</td>
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<tr>
<td>Possible change to right of appeal</td>
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<tr>
<td>Conditions bank consultation</td>
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</table>

The MPTS Business Plan programme for 2019 was approved by GMC Council at their meeting in December 2018.

Knowledge and pre-hearing programme

Knowledge hub - Creation of a dedicated area on the MPTS intranet pages which will allow MPTS staff to easily access current guidance documents and templates.
43 **Review of MPTS Siebel functionality** - Siebel has undergone various updates since inception; however the core functionality of the hearings tab has changed very little. It is proposed that a Business Analyst from IS will lead on a holistic review which is aimed at reducing risk when capturing information and increasing the quality of performance data & insight.

44 **Resources for doctors** - Produce user-friendly guidance on restoration and review hearings, building on the work completed in 2018, in order to encourage doctor engagement and better preparation for hearings.

45 **Enhancing case management** - Implement process changes from 2018 business-as-usual case management review, includes publication of revised case management guidance.

**Technology programme**

46 **Extension of paperless hearings** - Bundles in advance has been successfully introduced. This project will review whether moving to fully electronic bundles is desirable and possible.

47 **Review of digital recording** - Digital recording ensures an accurate record of hearings is made. This review, and any subsequent actions, will ensure the system remains fit for purpose.

**Tribunal enhancement programme**

48 **MPTS / NMC shared training review** - Identify lessons learnt and measure the effectiveness and efficiency of shared training delivery and report on future opportunities and viability.

49 **Tribunal member appointments (medical and LQC)** - Appoint and induct a suitable number of medical and LQC associates to ensure hearings can continue to run.

**Policy programme**

50 The projects within the Policy programme are aimed at ensuring MPTS policy and guidance remains fit for purpose.

**Progress with the 2019 Business Plan projects to date**

51 We have agreed, in consultation with GMC Corporate Business Planning colleagues, the corporate priority rating for each project and lines of reporting (see Annex A).
A SMT level sponsor has been identified for all projects along with a project manager (PM) who will lead their delivery.

We are still working with policy colleagues to identify project managers for the policy projects.

Joanne Shepard has been leading our work to manage all of our projects on Microsoft Project Online (MSPO).

MSPO has been selected as the web-based application to be utilised across the GMC. It is project and portfolio management software available via cloud services and enables users to manage their projects and provide regular reports without the need for additional documentation.

Our use of MSPO will ensure all information concerning our projects is centralised, easily accessible and that the reporting project work is as efficient as possible for everyone involved.

MSPO has been updated with all 4 programme titles and all projects have been added.

On MSPO enhancing case management, tribunal member appointments and restoration have been marked as corporate priorities.

Regular updates on all projects will be provided to the MPTS Committee and Senior Management Team.
9 – MPTS Business Projects 2019

Agenda item 9 – Annex A

MPTS Business Projects 2019
## Annex A: MPTS Projects 2019

<table>
<thead>
<tr>
<th>Project name</th>
<th>Programme</th>
<th>Project Sponsor</th>
<th>PM</th>
<th>Corporate priority category</th>
<th>Corporate reporting</th>
<th>Report to Council</th>
<th>Report to Exec Board</th>
<th>Report to PLG</th>
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<td>Enhancing case management</td>
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<td>David Maguire</td>
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<td>Tribunal members appointments - medical and LQC</td>
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<td>Yes</td>
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## MPTS Policy Projects 2019

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<td>TBA</td>
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MPTS Committee meeting, 6 February 2019
Agenda item: 10

Report title: Update on appeals

Report by: Vaishali Fitton, Senior Legal Adviser
vaishali.fitton@mpts-uk.org, 0161 240 7106

Considered by: MPTS Committee

Action: To note

Executive summary
To review the learning points arising from the judgments given in GMC, PSA and doctor appeals of/challenges to decisions of Tribunals from 1 October – 31 December 2018.

Recommendation
a The MPTS Committee is asked to note the update on appeals.
Appeals

Since the last update to the MPTS Committee on 13 November 2018, the additional learning points and reminders of points and principles arising from the judgments given in appeals / challenges to tribunal decisions from 1 October – 31 December 2018, include:

1. There is both a statutory obligation and an obligation under Good Medical Practice for a practitioner to ensure that they have adequate indemnity cover or insurance – not to do so will lead to a risk to the protection of the public.

2. Professional indemnity insurance is not the same as cover for legal expenses arising from a claim made against a practitioner. The former also includes insurance in respect of any liabilities arising from any claim made by a patient.

3. When considering a doctor’s application to adjourn on the basis of ill health:
   
   a. the decision is a matter for the discretion of the Tribunal, but also taking into account the public interest in the fair, economical, expeditious and efficient disposal of allegations made against medical practitioners;

   b. the Tribunal should consider the medical evidence submitted; that evidence must be evidence that the individual is unfit to participate in the hearing, must identify with proper particularity the individual’s condition and explain why that condition prevents their participation in the hearing, and that evidence should be unchallenged;

   c. the Tribunal has a discretion to conduct further enquiries if the medical evidence does not meet the requirements above, but that is a discretion, not a duty. The onus remains on the individual to engage with the Tribunal and the process;

   d. a pro-forma sick note which only refers to an unfitness to attend work may well be insufficient to justify non-attendance at a hearing. In addition, the relevance of such a sick note depends on its contents, not its date (e.g. even if it is the most recent evidence);

   e. the Tribunal is entitled to weigh up a sick note against all of the other material available to them, including existing medical evidence but also the case overall, including, for example, previous unsuccessful applications to adjourn on entirely different grounds or similar applications during previous proceedings, and, as part of these wider considerations, the question of the public interest. Any adjournment causes extensive disruption and inconvenience and wastes huge amounts of costs.

4. When considering a doctor’s application to adjourn to obtain legal representation:

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the Tribunal should strike a proper balance between fairness to the doctor and the public interest in the fair, economical, expeditious and efficient disposal of such proceedings;

some relevant factors to consider include: how long the doctor had had to arrange representation, whether any explanation for the lateness in arranging representation is adequate, whether there is evidence that the lack of representation had arisen without fault on the part of the doctor, whether the Tribunal has confidence that any adjournment would result in the doctor being represented and/or attending and participating in the hearing.

5 When considering a doctor's application to participate in a hearing by remote means:

a. this is an exceptional course;

b. if such an application is made on health grounds the Tribunal would require contemporaneous, independent and verifiable medical evidence of ill-health to justify participation by remote means;

c. the Tribunal should also have regard to the practicality of the doctor participating in the hearing remotely for example, cross-examining witnesses by telephone and whether there could be logistical problems which might prevent the Tribunal from hearing evidence from a witness(es) at all.

6 When considering whether an act or acts were done with a sexual motivation:

a. the Tribunal must consider the doctor's state of mind. A sexual motive means that the conduct was done either in pursuit of sexual gratification or in pursuit of a future sexual relationship;

b. the allegation must be fully and squarely put in cross-examination to the accused doctor. The content of the doctor's replies, as well as his or her demeanour, will equip the Tribunal to decide whether the allegation is, or is not, true. This applies to any serious allegation for example cases involving allegations of dishonesty;

c. there is a need for proper scrutiny of all the evidence to determine whether a sexual motivation could be inferred; the more serious the allegation, the greater the need for evidential clarity. However, the standard of proof remains as the simple balance of probabilities.

7 Dishonesty by a medical professional is always serious but a dishonest misleading of the regulator is at the most serious end of the spectrum as it undermines the system of professional regulation upon which the public is entitled to rely.
When considering whether a doctor’s fitness to practise is impaired the question of whether the doctor has insight is a key element; that necessitates determining why the original conduct occurred and whether any recurrence is likely.

Remediation and insight are unlikely on their own to amount to exceptional circumstances which justify a Tribunal taking no action, following a finding of impaired fitness to practise. However, remediation which goes beyond the personal remediation which was taken into account at the impairment stage, and which impacts on or restores public confidence in the profession and maintains professional standards, are distinct considerations which a Tribunal can take into account when deciding whether or not to impose a sanction.

The Sanctions Guidance is just guidance. The decision as to the most appropriate and proportionate sanction is a multi-factorial and nuanced decision - it will be a matter for the Tribunal to determine the appropriate sanction in the light of the Guidance taking into account the public interest and the individual interests of the doctor, having evaluated the particular facts, mitigating features and aggravating features. It is for the Tribunal to decide, within the limits of reasonableness, what weight to give to each relevant factor.

If, having considered the particular facts and features of the case, the Guidance points clearly in the direction of a particular sanction, then the Tribunal must explain in the determination why that sanction is not to be imposed, if that is its conclusion. In particular, the Tribunal should:

a. identify which of the mitigating or aggravating factors weighed in favour of the Tribunal imposing a sanction different to the one indicated;

b. ensure that any mitigating factors it identifies as weighing in favour of a less serious sanction are relevant to the issues identified, particularly those identified as the most serious. For example, evidence of an absence of clinical performance issues, testimonial evidence, cooperation with the GMC and continued reflection on communications with patients may not have any real relevance to a probity issue;

The Tribunal should ensure that the sanction reflects the seriousness of its findings at the facts and impairment stages.
MPTS Committee meeting, 6 February 2019

<table>
<thead>
<tr>
<th>Agenda item:</th>
<th>11</th>
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<tbody>
<tr>
<td>Report title:</td>
<td>Review of the effectiveness of the MPTS Committee 2018</td>
</tr>
<tr>
<td>Report by:</td>
<td>Bernadette Beisty, Governance Officer, MPTS <a href="mailto:Bernadette.beisty@gmc-uk.org">Bernadette.beisty@gmc-uk.org</a>, 0161 240 7296</td>
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<td>MPTS Committee</td>
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<tr>
<td>Action:</td>
<td>To note</td>
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**Executive summary**

This report sets out the arrangements for members of the MPTS Committee to review the Committee’s effectiveness.

A recent internal audit recommended that the MPTS Committee sets aside time annually to critically appraise its performance.

The report also covers:

- the appraisal process for MPTS Committee members.
- the arrangements for keeping the register of interests for MPTS Committee members up to date.

**Recommendations**

- The MPTS Committee is asked to note the report.
- The MPTS Committee is asked to consider the effectiveness of the Committee.
- The MPTS Committee is asked to suggest any improvements to the Committee’s functioning which could enhance its ability to carry out its statutory duties.
Introduction

1 From 2019, MPTS Committee members will undertake an annual review of the Committee’s effectiveness. The annual review has been introduced to provide assurance that the Committee is effective and also to identify any improvements which can usefully be made to the working of the Committee.

2 At its meeting in February 2019, MPTS Committee members will be invited to assess the Committee’s effectiveness during 2018.

3 The review will provide an opportunity for MPTS Committee members to satisfy themselves that:

   a the Committee is carrying out its statutory duties as detailed in its Statement of Purpose (see Annex A).

   b all Committee members are contributing to the work of the Committee competently and appropriately.

   c the secretariat is functioning efficiently and the delivery of the agenda and papers is within agreed timescales.

   d the quality and content of Committee papers are appropriate.

4 In addition the review provides an opportunity for the MPTS Committee to identify improvements in its functioning which might usefully be made.

MPTS Committee schedule and quorum

5 The MPTS Committee is required to meet at least four times a year. At the discretion of the Chair, additional meetings can be convened if required. The quorum for the MPTS Committee is three members including the Chair of the MPTS.

6 The MPTS Committee met on four occasions during 2018 as detailed in its work programme for the year. All four meetings were quorate.

MPTS Committee members’ appraisal

7 MPTS Committee members are subject to regular appraisal.

8 Appraisal meetings for all MPTS Committee members will be scheduled during 2019 and annually thereafter.

9 The appraisal meeting should include reference to:
a the Member’s competencies as detailed in the appointment process: analytical ability, decision-making and sound judgement, interpersonal skills, communication skills and promoting equality and diversity. For further details see Annex B.

a provide practical examples of contribution.

b detail any training or learning needs identified.

Register of interests

10 MPTS Committee members’ register of interests can be found on the MPTS website here.

11 MPTS Committee members are contacted twice a year to ask for any updates to the register of interests.

12 In between these times, if a Committee member identifies a potential conflict of interest, it is the responsibility of that Committee member to contact the MPTS Governance Officer who will update the online register.

13 At the MPTS Committee meeting in February 2019, Committee members will be asked to confirm that the register of their interests is up to date.

Record of work undertaken by MPTS Committee members

14 A record of the work undertaken by MPTS Committee members is compiled each year. This record provides information on attendance at MPTS Committee meetings and on additional days spent by Committee members on MPTS business.

15 Such business may consist of attendance at other MPTS meetings, speaking engagements on the MPTS’s behalf or other activity carried out for the benefit of the MPTS.

16 During 2018, all Committee members attended the four MPTS Committee meetings.

17 In addition, a number of Committee members attended the MPTS User Group meetings in March and September 2018.
Agenda item 11 – Annex A

Statement of purpose of the Medical Practitioners Tribunal Service Committee

Purpose

1. The Medical Practitioners Tribunal Service (MPTS) is a statutory committee of the General Medical Council established under Section 1 (3) (g) of the Medical Act 1983 (as amended) and constituted in accordance with the MPTS Rules\(^1\).

2. The MPTS is responsible for providing a hearings service to the GMC that is efficient, effective and clearly separate from the investigatory role of the Fitness to Practise Directorate within the General Medical Council.

Duties and activities

3. The MPTS Committee is responsible for ensuring:
   
   a. The delivery of a hearings service that demonstrates efficiency and effectiveness.
   
   b. The appointment of Medical Practitioners and Interim Orders Tribunal members (including chairs) and that appropriate systems for the appointment, training, assessment and, where required, the removal of tribunal members are in place.
   
   c. 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 are in place.
   
   d. Maintenance of a system for declaration and registration and publication of Committee members’ private interests.

\(^1\) The General Medical Council (Constitution of the Medical Practitioners Tribunal Service) Rules Order of Council 2015.
e Consideration of matters by a Medical Practitioners Tribunal/Interim Orders Tribunal.

f High quality standards of decision-making by Medical Practitioners Tribunals and Interim Orders Tribunals are maintained.

g High quality standards of case management by case managers are maintained.

h The setting and maintenance of guidance for the MPTS tribunals, case managers, and legal assessors, as required.

i That the MPTS applies the equality and diversity strategy and policies of the GMC.

j Notification of Medical Practitioners Tribunal and Interim Orders Tribunal decisions as required by the Medical Act.

k Effective liaison with all users of the hearings service provided by the MPTS.

l An annual report which meets the requirements of Section 52B of the Medical Act 1983 as amended.

**Delegations**

4 The delivery of the operational requirements of the MPTS may be delegated by the GMC Council to the Chair of the MPTS or to such other officer of the General Council as specified in Council’s Schedule of Authority. Responsibility for the day-to-day operational management of the MPTS rests with the Executive Manager, MPTS.

**Membership**

5 The membership of the MPTS Committee, as constituted in accordance with the MPTS Rules, is the Chair of the MPTS and four other MPTS members, two medical and two lay. The MPTS is chaired by the Chair of the MPTS.

6 One medical and one lay member will be currently sitting MPTS Tribunal Members. The remaining medical and lay members may be external co-opted or demitted MPTS Tribunal members.

7 The Executive Manager, MPTS will attend Committee meetings but is not a member of the Committee.

8 The Committee may invite other members of MPTS or GMC staff, or external parties to attend or present at individual meetings so as to progress its business.

9 The quorum for meetings of the MPTS Committee is three.
Working Arrangements

10 The MPTS Committee meets at least four times a year. At the discretion of the Chair of the MPTS, additional meetings can be convened, if required. Formal decision-making is supported by papers setting out options and recommendations.

11 Papers for each meeting will normally be sent electronically, and in hard copy on request, to MPTS Committee members at least seven days in advance of meetings. Work may be progressed electronically outside of the meetings, including the use of teleconference and videoconference facilities, at the discretion of the Chair.

12 In discussion of agenda items the intention is to reach agreement by consensus. Voting occurs only when consensual agreement cannot be reached and is by show of hands. If the votes are equal the person who chairs the meeting has a casting vote in addition to his/her vote as a member of the Committee.

13 The MPTS Committee Secretary minutes each meeting and aims to circulate the minutes, as cleared by the Chair of the MPTS, to members for comments within two weeks of the meeting. The MPTS Committee approves minutes at the next Committee meeting. Minutes record the conclusions of the MPTS Committee on the issues considered.

14 Where matters are being discussed outside a face-to-face meeting, for example by exchange of emails or teleconference calls or videoconferences, the MPTS Committee Secretary will liaise with the Chair of the MPTS to agree the most appropriate mechanism for seeking views depending on the issue. In such instance the conclusions of the MPTS Committee will be reported at the next Committee meeting and recorded in the minutes.

15 The MPTS Committee agenda, minutes and papers will be published on the MPTS website. Papers relating to a decision being made will be published in accordance with our publication scheme.

Accountability and reporting

16 The Chair of the MPTS is accountable to the General Medical Council through the Chair of the GMC’s Council, and will report to Council on its work to fulfil the statutory duties for which it is accountable to the Privy Council on a twice-yearly basis. The report will summarise the performance of the MPTS during the previous reporting period, and the work of the MPTS Committee.

17 In addition, the MPTS will report annually to Parliament (via the Privy Council). This report will be coordinated for submission with the GMC Trustees’ annual report and accounts.
Agenda item: 12
Report title: Update on the MPTS Committee’s work programme for 2019
Report by: Bernadette Beisty, Governance Officer MPTS
          bernadette.beisty@mpts-uk.org, 0161 240
Considered by: MPTS Committee
Action: To note

Executive summary
The MPTS Committee reviews its work programme throughout the year to confirm that the business of the Committee is relevant and addresses the duties and activities as detailed in the Committee’s Statement of Purpose.

Recommendation
The MPTS Committee is asked to note minor amendments to the work programme for 2019
**Background**

1. Please find below the revised 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 its key responsibilities.

3. The MPTS Committee’s work programme was approved at the MPTS Committee meeting in November 2018. There have been some minor changes to the work programme since it was last reviewed. These include: renaming the review of the MPTS Committee’s business, changing the review date of the Quality Assurance Group report and including an update on the MPTS Committee’s work programme for February’s meeting.

<table>
<thead>
<tr>
<th>Date</th>
<th>Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wednesday 6 February 2019</td>
<td>MPTS Committee</td>
</tr>
<tr>
<td></td>
<td>Chair’s report (oral)</td>
</tr>
<tr>
<td></td>
<td>Executive Manager’s report including the MPTS risk register and performance data (a-k)</td>
</tr>
<tr>
<td></td>
<td>Internal audit review of the MPTS Committee’s governance processes and Siebel segregation between FtP and MPTS (a)</td>
</tr>
<tr>
<td></td>
<td>Update on appeals (a,f)</td>
</tr>
<tr>
<td></td>
<td>Adjournments quarterly update (f)</td>
</tr>
<tr>
<td></td>
<td>Tribunal members training update (b,c)</td>
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<tr>
<td></td>
<td>Review of the delivery of the 2018 MPTS business plan and confirmation of the MPTS business plan for 2019 (n)</td>
</tr>
<tr>
<td></td>
<td>Review of the effectiveness of the MPTS Committee 2018 (a)</td>
</tr>
<tr>
<td></td>
<td>Update on the MPTS Committee’s work programme for 2019</td>
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</tbody>
</table>
## Agenda Item 12 – Update on the MPTS Committee’s work programme for 2019

<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>- Chair’s report (oral)</td>
</tr>
<tr>
<td></td>
<td>- Executive Manager’s report including the MPTS risk register and performance data (a-k)</td>
</tr>
<tr>
<td></td>
<td>- Report of the MPTS Committee to GMC Council (a-I)</td>
</tr>
<tr>
<td></td>
<td>- MPTS annual report to Parliament (I)</td>
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<tr>
<td></td>
<td>- Update from the Quality Assurance Group (f,g)</td>
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<td></td>
<td>- Annual review of case management (g)</td>
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<td></td>
<td>- Adjournments quarterly update (f)</td>
</tr>
<tr>
<td></td>
<td>- Annual review of complaints (k)</td>
</tr>
<tr>
<td></td>
<td>- Review of MPTS Committee’s work programme for 2019 (a)</td>
</tr>
<tr>
<td>Tuesday 10 September 2019</td>
<td>MPTS Committee</td>
</tr>
<tr>
<td></td>
<td>- Chair’s report (oral)</td>
</tr>
<tr>
<td></td>
<td>- Executive Manager’s report including the MPTS risk register and performance data (a-k)</td>
</tr>
<tr>
<td></td>
<td>- Tribunal Members’ resourcing updates (a)</td>
</tr>
<tr>
<td></td>
<td>- Annual review of the MPTS vision (m)</td>
</tr>
<tr>
<td></td>
<td>- Update on progress in delivering the MPTS business plan for 2019 (n)</td>
</tr>
<tr>
<td></td>
<td>- Adjournments quarterly update (f)</td>
</tr>
</tbody>
</table>
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>
</tr>
</thead>
<tbody>
<tr>
<td><strong>b</strong> 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><strong>c</strong> The appointment of Medical Practitioners and Interim Orders Tribunal members (including chairs) and that appropriate systems for the appointment, training, assessment and, where required, the removal of tribunal members, are in place.</td>
<td>Papers on recruitment campaigns, training and appraisal as required. Tribunal members training update scheduled for February 2019.</td>
</tr>
<tr>
<td><strong>d</strong> The appointment of legal assessors and case managers and that appropriate</td>
<td>Papers on recruitment campaigns,</td>
</tr>
<tr>
<td></td>
<td>Agenda Item 12 – Update on the MPTS Committee’s work programme for 2019</td>
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<tr>
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<tr>
<td>e</td>
<td>Maintenance of a system for declaration and registration and publication of Committee members’ private interests.</td>
</tr>
<tr>
<td>f</td>
<td>Consideration of matters by a Medical Practitioners Tribunal / Interim Orders Tribunals.</td>
</tr>
<tr>
<td>g</td>
<td>High quality standards of decision making by Medical Practitioners Tribunal / Interim Orders Tribunals are maintained.</td>
</tr>
<tr>
<td>h</td>
<td>High quality standards of case management by case managers are maintained.</td>
</tr>
<tr>
<td>i</td>
<td>The setting and maintenance of guidance for the MPTS tribunals, case managers and legal assessors, as required.</td>
</tr>
<tr>
<td>j</td>
<td>That the MPTS applies the equality and diversity strategies and policies of the GMC.</td>
</tr>
<tr>
<td>k</td>
<td>Notification of Medical Practitioners Tribunal and Interim Orders Tribunal decisions as required by the Medical Act.</td>
</tr>
<tr>
<td>l</td>
<td>Effective liaison with all users of the systems for the appointment, training, assessment and, where required, the removal of case managers in place.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Training and appraisal as required.</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Tribunal members training update scheduled for February 2019.</td>
</tr>
<tr>
<td></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>
<tr>
<td></td>
<td>Executive Manager’s report.</td>
</tr>
<tr>
<td></td>
<td>Included in the Quality Assurance Group updates to the Committee.</td>
</tr>
<tr>
<td></td>
<td>Annual review of case management scheduled for May’s MPTS Committee meeting.</td>
</tr>
<tr>
<td></td>
<td>Guidance requiring consideration by the MPTS Committee to be added to the work programme as required.</td>
</tr>
<tr>
<td></td>
<td>Integral part of Committee’s consideration and decision-making.</td>
</tr>
<tr>
<td></td>
<td>Updates on equality and diversity part of the Executive Manager’s report.</td>
</tr>
<tr>
<td></td>
<td>Executive Managers report.</td>
</tr>
<tr>
<td></td>
<td>Included in the Executive Manager’s report and papers on engagement.</td>
</tr>
<tr>
<td><strong>m</strong> An annual report which meets the requirement of Section 52B of the Medical Act 1983 as amended.</td>
<td>Annual report to Parliament scheduled on the work programme for May 2019.</td>
</tr>
<tr>
<td><strong>n</strong> From the MPTS vision:</td>
<td></td>
</tr>
<tr>
<td>- Make high quality well-reasoned, independent decisions to protect the public</td>
<td></td>
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<tr>
<td>- Runs hearings efficiently and effectively, using resources appropriately</td>
<td></td>
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<tr>
<td>- Treats all tribunal service users with respect and fairness</td>
<td></td>
</tr>
<tr>
<td>- Has a distinct voice, clearly articulating our role</td>
<td>Annual report on the MPTS vision scheduled on the work programme for September 2019.</td>
</tr>
<tr>
<td><strong>o</strong> Priorities from the MPTS business plan 2019</td>
<td>Confirmation of the MPTS business plan scheduled for February 2018 and update on progress for September 2019.</td>
</tr>
</tbody>
</table>