Panellist Circular

31 August 2012
To: Interim Orders Panel Panellists
Copy: Fitness to Practise Panel Panellists
Legal Assessors
Panel Secretaries

IOP Annual Training Summary

Further to your annual IOP panellist training this circular is to summarise the key points covered.

Hearing Management

The role of the IOP is to consider whether it is necessary to restrict a doctor’s registration while an investigation is being carried out. Where cases are not considered on the date they are listed, the doctor will continue with unrestricted practice until the matter can be relisted. It is therefore important that effective hearing management is used to ensure that cases are considered on the date they are listed.

Where exceptional circumstances arise and a panel is unable to consider all of the cases listed we reminded panellists of Rule 29 General Medical Council (Fitness to Practise) Rules 2004 and that the IOP panel has no power to ‘postpone’ a hearing and further that submissions should be sought from the parties before making a decision.

Powers of the Panel

We reminded you that the powers of the IOP are specified under s.41A Medical Act 1983, which are that you can:

- Make no order
- Impose/maintain/vary conditions
- Impose/maintain suspension
- Vary an order
- Revoke an order
Noting the discretion under s41(3)(a) in relation to revocation of an order, we reminded panellists that an IOP order must be revoked where the matters under investigation have been determined by a Case Examiner as the case has been concluded and therefore there is no basis to maintain the order as the test set out in s.41A(1) Medical Act 1983 cannot be met.

**Drafting determinations**

We emphasised the importance of providing clear reasons for decisions, ensuring that they could not be considered ‘formulaic’. We reminded panellists that the determination should be clear and reasoned in terms of the order imposed, the length of the order, address the submissions of the parties, explain references to any case law relied on and the reasons should link to the specific limb(s) that make the imposition/maintenance of an order necessary.

We reminded panellists that they are not making findings of fact and should ensure that the determination only addresses the matters that the panel has the power to consider.

**Updates**


We also reminded you of the changes made earlier this year to the guidance ‘Imposing Interim Orders’, the recent addition to the Undertakings Bank and made you aware of the GMC Learning Disabilities website [http://www.gmc-uk.org/learningdisabilities/](http://www.gmc-uk.org/learningdisabilities/) and an update regarding the consultation on ‘Good Medical Practice’.

Should you wish to clarify any of the above or require copies of any of the documents referred to please contact the Panel Development Team.

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