
6a-Fitness to Practise: Hearings Management Proposed Consultation- Annex B

Recommendations of the Case Management Working Group

Recommendation 1: The GMC should consider commissioning, as part of its comparative research programme, research into disciplinary processes in other jurisdictions. Such research, if commissioned, should seek to describe the nature of the adjudications process in each region studied (including the 'case-mix') and to ascertain the reasons for the apparent ability to manage disciplinary processes in respect of medical practitioners in a comparatively expeditious fashion.

Recommendation 2: The GMC should conduct an evaluation of its use of the Case Review system, with a view to (a) identifying which cases might benefit from active case management; and (b) documenting the experience gained from such an approach, and the costs and benefits resulting from any increased use of independent Case Managers.

Recommendation 3: The timing, and frequency, of Stage 1 and other telecons should be considered as part of any review of the operation of Case Management procedures.

Recommendation 4: The GMC should consider means of facilitating the discussion of appropriate sanctions, or the consensual disposal of a case, following referral to the FTP panel.

Recommendation 5: The GMC should review the current system of drafting charges, with a view to standardizing and simplifying practice, and so as to identify mechanisms whereby the potential problems with the charges may be identified as soon as possible.

Recommendation 6: The evidence concerning the limitations of the current procedural Rules, and the existence of the case management procedures operative in (e.g.) the criminal courts, should be brought to the attention of OHPA as soon as the latter is operational, so as to enable the latter to consider changes to current practice as part of its work in developing procedural Rules for its Panel hearings.

Recommendation 7: Any consideration of rule changes (whether by OHPA or the GMC) should consider whether the Rules should contain a statement of the Overriding Objectives, and of the parties' obligation to co-operate in furthering those ends.

Recommendation 8: Any evaluation of the Case Review procedures should assess the merits of holding pre-hearing reviews timed to take place shortly before hearing, to enable consideration of the conduct of any hearing.

Recommendation 9: The GMC should consider reviewing its guidance for registrants, with a view to providing simple guidance about the stages of its processes for, in particular, unrepresented doctors.

Recommendation 10: Any evaluation of the Case Review system should pay particular attention to the special demands and needs of unrepresented defendants, with a view to assessing the best means of engaging such defendants in the effective planning of hearings.

Recommendation 11: OHPA should be asked to consider the advantages and disadvantages of introducing a system to enable costs to be awarded against a party who has acted unreasonably, or of similar schemes which enable the appropriate award of costs.

Recommendation 12: The GMC should assess the feasibility of enabling FTP Panels to reserve their determinations to a fixed time and place, and/or releasing the parties and their representatives whilst deliberating in camera for any length of time.

Recommendation 13: The GMC consider further the statistical evidence concerning Panel hearings, with a view to ascertaining whether there are any learning points to be reviewed in its training sessions for Panel members and Chairs.