

# Information for doctors

whose cases are due to be heard by  
a medical practitioners tribunal

**mpts**

medical practitioners tribunal service

# Introduction

The Medical Practitioners Tribunal Service (MPTS) is a statutory committee of the General Medical Council (GMC) but fully independent in its decision making and accountability to the UK Parliament.

We provide an adjudication service, which means we hear cases against doctors whose fitness to practise has been called into question by the GMC. We are led by a chair who has senior judicial experience.

During a medical practitioners tribunal hearing, the tribunal considers all the evidence to decide whether a doctor's fitness to practise is impaired and, if so, what sanction may be needed to protect patients. We will tell you when and where the hearing will take place. At the end of the hearing, we'll let you know the outcome. The GMC will present the case against you to the tribunal.

The environment of a tribunal hearing is likely to be unfamiliar. This booklet explains what to expect before, during and after the hearing. For example, you might not know that you have a right to come to the hearing, to be represented by a lawyer or another person, to present evidence and to call and cross-examine witnesses.

If a solicitor or defence organisation is representing you, they will carry out many of the actions set out in this booklet on your behalf – but you might still find this information helpful. If you are representing yourself, it could be particularly useful.

If you have a disability, we'll make reasonable adjustments so that you can take part in the hearing. Let us know as soon as possible if you have any particular needs.

If you have a disability, we'll make reasonable adjustments so that you can take part in the hearing. Let us know as soon as possible if you have any particular needs.

## Legal representation

If you're a member of a medical defence organisation and are being assisted by them, or have organised your own legal representation, your lawyer will be able to give you information and advice about the hearing. If you are a member of a medical defence organisation and have not already contacted the organisation, you should do so (see page 23).

### What if I don't have any legal representation?

You should consider being advised and represented by solicitors who have experience of MPTS hearings. They will know how to prepare your case and present the information that the tribunal needs.

If you don't have support from a medical defence organisation and can't afford to pay for legal representation, the Bar Pro Bono Unit, which is a charity that helps find free legal assistance from volunteer barristers, may be able to help you. The unit can only consider applications for assistance through referrers like the Citizens Advice Bureau, MPs and solicitors (see page 23).

If you can't get legal representation, please let us know as soon as possible so we can help you understand what will be expected of you if you intend to present your own case.

### Other representation

You may be represented by someone from any professional organisation of which you are a member.

You may decide you would like a family member or other person to represent you. At the beginning of the hearing, the tribunal will decide if they are a fit and proper person to do so.

To help reach this decision, the tribunal will consider any available information, including the person's criminal record and history. You can find a guide explaining who is suitable to provide representation at [www.mpts-uk.org/guidance](http://www.mpts-uk.org/guidance).

### Other support available to you

#### The Doctor Support Service

Having your fitness to practise investigated can be a very stressful experience, and some doctors find it particularly difficult. The GMC has commissioned the British Medical Association (BMA) Doctors for Doctors service to provide independent, confidential and emotional support to any doctor involved in a fitness to practise case – you don't have to be a member of the BMA to use it.

The free service is run on a peer support basis, so the people you speak to will be doctors themselves.

You can contact them on their dedicated telephone line for support. With sufficient notice, a supporter from the service can accompany you for up to two days of the hearing. Call **020 7383 6707** or email **doctorsupportservice@bma.org.uk**.

### Hearings procedure factsheets

Our series of hearings procedure factsheets can help you prepare for your hearing. These are available on our website, in paper copy, on request, and at our hearing centre.

You can find the full range of factsheets on the *Information for unrepresented doctors* section of our website at **www.mpts-uk.org/unreprodoctors**.

### Hearings procedure telephone information service

This service is open to all doctors and is free of charge. It is run by student volunteers from the BPP Law School and the University of Law. You can use the service to:

- learn about the hearing process
- help prepare for your hearing
- find out what to expect on the day of your hearing.

Volunteers won't be able to comment on the specific circumstances of your case or give you legal advice.

### How to access the service

Simply call one of the two answerphone lines, at any time of the day or night to leave a message. All calls will be charged at the local rate.

You will be asked to leave your name, contact number and brief details of your query or area of interest. A volunteer will then call you back during the following times.

#### BPP Law School

**Telephone:** 0161 235 7177

#### **Will call you back:**

Monday and Friday, 10 am–12 noon and 2 pm–4 pm

#### University of Law

**Telephone:** 01483 216 738

#### **Will call you back:**

Tuesday and Thursday, 10 am–12 noon and 2 pm–4 pm

# What will happen before the hearing?

## Case management procedure

We run a case management procedure, which is designed to:

- encourage both parties (the GMC and you or your representative) to prepare their cases and cooperate with each other to keep delays to a minimum
- facilitate the effective and efficient running of our hearings
- minimise the stress on you and on witnesses at a hearing by setting up an effective channel of communication before the hearing period and seeking agreement about a number of key issues.

Once the GMC has told you that it has referred your case to a tribunal hearing, in most cases we will arrange case management meetings. These meetings take place before the hearing begins and will usually take place by telephone. They will help to make sure that you're well informed and that we have all the information we need to run the hearing effectively.

## Direct listings

Cases that we expect to run for up to five days will usually follow the direct listing process. This means that we'll set a hearing date for you without the need for a case management meeting. We'll send you and the GMC listings instructions, which will relate to the relevant rules you must both comply with before the hearing. In these cases, we'll send listings instructions to you by post or by email.

## Listings telephone conferences

If we expect your case to run for more than five days, we'll invite you and your representative, and a member of the GMC case team, to join the case management meetings. A member of our listings team will chair these meetings. We'll send you and the GMC listings instructions, which will relate to the relevant rules you must both comply with before the hearing. In these cases, we'll send listings instructions to you by post or by email.

## Pre-hearing meetings

For longer, more complex cases, one of our legally qualified case managers will chair pre-hearing meetings.

The case manager plays a critical role in making sure that both you and the GMC prepare properly for the hearing and that the hearing will proceed as smoothly as possible.

The case manager will usually give directions to both you and the GMC. The most significant will relate to evidence that will be presented at the hearing: obtaining witness statements and, where necessary, expert reports. You must tell us at these meetings whether you wish to present evidence at the hearing to dispute the allegation.

You must also give us a list of all the documents you plan to present and details of the witnesses who you want to give evidence on your behalf.

The case manager will ask parties whether any witness evidence is accepted. If it is, there will be no need for the witnesses to attend the hearing.

You should bear in mind that a witness's written statement (and your written statement) will normally stand as evidence-in-chief. This means that there will be no need for the witness to give oral evidence except in response to:

- cross-examination
- re-examination
- questions from the tribunal.

You must provide your hearing documents, including details of your witnesses, by the dates that the case manager specifies.

Directions made by the case manager are **legally binding** and a failure to comply with them may have serious consequences.

At these pre-hearing meetings, the case manager may decide that it is appropriate to give other directions. For example, a witness could be asked to give evidence by video or telephone link. Or, if more than one allegation has been made against you or the allegation affects more than one doctor, the case manager could decide that the cases should be heard at the same time.

Let us know at these meetings if you intend to raise any preliminary legal issues at the hearing – these could affect how much time we need to allocate for the hearing. Also note that these meetings are not an opportunity to consider the GMC's decision to refer a case to a hearing or to test how strong the evidence is.

For more information on the topics in this section, see the *Guidance* page of our website at [www.mpts-uk.org/guidance](http://www.mpts-uk.org/guidance).

# Complying with the rules and case manager directions

The tribunal will have a copy of the listings instructions and/or case manager directions (as applicable). It will expect both parties to have complied with them, unless there has been a material change of circumstances.

If you or the GMC do not comply with the listings instructions or case manager directions, the tribunal can:

- draw adverse inferences
- refuse to admit the evidence
- award costs.

For more information about case management, see the *Case management procedure* factsheet at [www.mpts-uk.org/unreprodoctors](http://www.mpts-uk.org/unreprodoctors) and the guidance document *Case management procedure – guidance for parties and representatives* at [www.mpts-uk.org/guidance](http://www.mpts-uk.org/guidance).

## Hearing documents and evidence

At least 28 days before the start of the hearing, we'll send you a Notice of Hearing. This will:

- explain the tribunal's role and powers
- give the date, time and venue for the hearing
- confirm that you have the right to come to the hearing and be represented, to present evidence and to call and question witnesses
- confirm the tribunal's power to proceed in your absence.

We'll also send you a copy of GMC (*Fitness to Practise*) Rules 2004, and refer you to the *Medical Act 1983*, which you can find at [www.mpts-uk.org/legislation](http://www.mpts-uk.org/legislation). You should take the time to carefully read the rules applicable to your hearing, because they will help you understand the procedure that will be followed in your case.

You and the GMC must give each other a list and a copy of all the documents you will rely on as evidence at the hearing, eg expert reports. This gives both parties time to complete their preparation for the hearing. If you have not already done so, within 14 days of receiving the GMC's documents, you must let the GMC know which witnesses you want to give evidence at your hearing.

If you have a question about the evidence the GMC has given, please contact the GMC quoting the case reference number in their letter to you.

If you are going to have witnesses attend the hearing to give evidence on your behalf, you may wish to direct them to the Witness Service, which offers free, independent and confidential support for all witnesses giving evidence to hearings – both for the doctor and for the GMC. It is run by the charity Victim Support on behalf of, but independent of, the GMC – see page 23 for contact details.

## Submitting documents

The case manager will tell you which documents you should give to the GMC and when you should do this. You'll need to send us seven copies of any documents that you plan to rely on at the hearing. This should be done by 9.30 am on the day of the hearing, or by post no more than seven days before the hearing.

These documents should have page numbers and an index.

At the hearing, the chair will give each document a number. The GMC's documents will be labelled with a C, which stands for Council (eg C1, C2), and your documents will be labelled with a D, which stands for doctor (eg D1, D2). It is helpful to use this numbering to refer to documents during the hearing.

## Deciding to come to the hearing

You don't have to come to the hearing, but it is usually in your best interests to do so. For example, questions might arise that only you can answer.

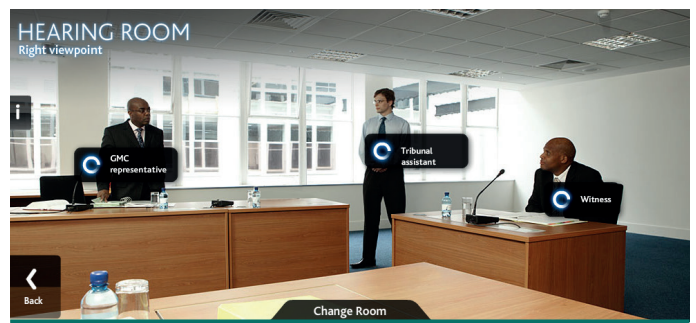
We'll send you a hearing attendance form to complete and return to let us know whether you'll attend your hearing and whether you'll be represented. Please also let us know as soon as possible if:

- you can't come to the hearing because of personal circumstances, such as emergency care issues
- you have any additional needs that affect whether you can come to the hearing (eg because of a disability or communication difficulty).

## The hearing centre

Our hearing centre is in St James's Buildings on Oxford Street in Manchester – please see page 24 for further information about how to find us.

There is an interactive virtual tour of the hearing centre, with audio commentary, on the *Our hearing centre* section of our website at [www.mpts-uk.org/hearingcentre](http://www.mpts-uk.org/hearingcentre). This gives you an idea of what to expect when you arrive.



The virtual tour allows you to explore 360° views of the reception, hearing rooms, and doctors' waiting room. You can click on the people in the photographs to see more information about the role of different people who are present at our hearings.

## Support for disabled people

Our hearing centre has wheelchair access and a loop system for people with hearing loss. If you have a disability, communication difficulties or other additional needs, please contact us before your hearing, so that we can make any reasonable adjustments.



# Coming to the hearing

## Arriving at the hearing centre

On the day the hearing begins, you should aim to arrive at the hearing centre at least half an hour before it starts.

Please come to our reception on the seventh floor of St James's Buildings. A member of staff will meet you and take you to your private waiting room. The waiting room will be available to you throughout the hearing. Free hot drinks and water are available.

If you'd find it useful, you may be able to visit an empty hearing room, if one is available, to look at the layout before your hearing starts. Please speak to a tribunal assistant if you would like to do this.

## Public access to the hearing

Members of the press and public can attend all hearings, except those that relate solely to a doctor's health. Copies of any public decisions are made available to members of the press and public while attending a hearing. The press may also ask to receive the tribunal's public decisions via email if they are not in attendance.

In certain circumstances, you or your representative, or the GMC's representative, can apply for all or part of the hearing to be held in private – see rule 41 (2) of *GMC (Fitness to Practise) Rules 2004*, which you can find at [www.mpts-uk.org/legislation](http://www.mpts-uk.org/legislation).

There will be seats at one end of the hearing room where the press and public sit to watch the hearing. Sometimes the tribunal will ask the press, public and witnesses to leave the hearing room if there are any confidential matters to discuss.

## Hearing timetable

The chair of the tribunal is responsible for the timetable, but the day will usually start at 9.30 am and will finish around 5 pm. There is a lunch break of about an hour, usually sometime between 12 pm and 2 pm, and a 15-minute break mid-morning and mid-afternoon.

If you need a break for whatever reason at any time in connection with the case – for example, to write up your arguments – please ask for permission from the chair of the tribunal.

## Adjournments

If the hearing lasts for more than one day, it will adjourn at the end of each day and start again in the morning.

The tribunal may also adjourn for a longer period to collect additional evidence, such as health or performance reports, or because the case will overrun the days allotted to it.

During any break or adjournment, when you are giving evidence to the tribunal, you remain under oath or bound by your affirmation. Therefore, you must not talk to anyone about your case or your evidence, including your representative and other witnesses.

## Who will be at the hearing?

**The tribunal and tribunal members** – the tribunal is made up of three tribunal members, one of whom will act as chair. There will be at least one doctor (medically qualified with a licence to practise) and at least one lay person (not medically qualified). The tribunal members hear the evidence and make decisions on a case.

The chair will make sure that:

- the hearing follows our processes
- people appearing at the hearing are treated with courtesy and consideration
- time is used effectively.

**Legally qualified chair** – the chair of your hearing may be a legally qualified chair. The legally qualified chair – an experienced solicitor or barrister – will carry out all of the duties and responsibilities of a chair, as set out above. They will also be required to advise their fellow tribunal members on questions of law as to evidence and procedure.

Where a legally qualified chair is appointed, a legal assessor (see below) will not be present at the hearing.

**Legal assessor** – an experienced solicitor or barrister who advises the tribunal on questions of law as to evidence and procedure. All advice is given in public, and you or your representative, and the GMC's representative, can make submissions in response to this advice. The tribunal can accept or reject the legal assessor's advice. The legal assessor accompanies the tribunal when it is making decisions in camera, but takes no part in the decision-making process.

**GMC representative** – the solicitor or barrister who presents the case against you.

**Tribunal clerk** – an MPTS staff member who is responsible for administration during the hearing.

**Tribunal assistant** – an MPTS staff member who is responsible for assisting with administration during the hearing.

**Your representative** – the solicitor, barrister or other representative presenting your case or speaking on your behalf. If you don't have a representative, you can present your own case to the tribunal.

**Your supporter** – a member of your family, a friend or a colleague. During the hearing, your supporter sits in the public seating area (not at your table).

Your supporter could also be a doctor who gives independent, confidential and emotional peer support. They can accompany you for up to two days of the hearing. Please see the Doctor Support Service section on page 2.

**Witnesses** – people who may be called to give evidence by you or your representative or by the GMC's representative. They have to take an oath or affirmation, and answer questions from the GMC's representative, you or your representative, or the tribunal. There is a restriction on self-represented doctors cross-examining witnesses (see page 14 – Your case). If you choose to give evidence at your hearing, you'll become a witness.

**Witness's supporter** – a volunteer from the charity Victim Support, who sits behind the witness in the public seating area.

At the start of the hearing a member of staff will take you to the hearing room and show you where to sit. We'll give you a diagram showing who will be in the hearing and where they will sit.

If you would like to familiarise yourself with the layout of the hearing room before the hearing, there is a virtual tour on our website (see page 7). The chair will introduce themselves and the other people in the hearing room, and explain the tribunal's role and how the hearing will work.

# How does the hearing work?

The hearing starts with an introduction to open the case, followed by up to three stages (described from page 15), depending on the outcome of each stage. The stages are to decide if the facts of allegation against you are proved, if your fitness to practise is impaired and, if so, what sanction should be imposed.

Before the tribunal makes a decision on a matter – at the end of each stage and midway through stage three – it will first retire in camera. This means that the tribunal's discussion will take place without the presence of the parties and their representatives, witnesses, the public or the press. The tribunal will then produce a written explanation of its decision (a determination). This will then be read out by the chair or handed down in public and made available to all parties.

## Starting the hearing

### Preliminary legal arguments

At the start of the hearing, preliminary legal arguments may be raised. Preliminary arguments could include, but are not limited to, the failure of parties to comply with the rules or with case manager directions. The possible consequences of a failure to comply are that the tribunal may:

- draw adverse inferences
- refuse to admit evidence
- award costs.

Other preliminary legal arguments may relate to a party seeking an adjournment or to request that a witness attends the hearing in person to give evidence.

Before deciding how to proceed, the tribunal will usually hear submissions from both parties. The legally qualified chair or the legal assessor will then give advice to the tribunal in public. The tribunal will then retire in camera to reach its decision before issuing its determination, which will usually be read out or handed down in public and made available to both parties.

### Confirming your details

If you are present, the chair will ask you to confirm your name and GMC reference number.

The hearing can take place without you or your representative, in which case the chair will ask the GMC's representative to confirm your name and GMC reference number. This may occur only when the tribunal is satisfied that all reasonable efforts have been made to give you notice of the hearing, and has taken into account all the factors relevant to your case. Otherwise, the hearing could be adjourned to a later date.

After your details have been confirmed, the chair will ask the GMC's representative whether they wish to change any details about the allegation.

### Admitting to the facts

If you come to the hearing, the tribunal will ask you if you wish to admit any of the alleged facts. If you do, the chair will formally announce that these facts are 'admitted and found proved'. If you are not present or represented, you can admit the facts in writing and submit the document before the hearing.

If all the facts are admitted and found proved, the tribunal will then move on to consider whether, on the basis of the facts found proved, your fitness to practise is impaired (stage two).

### If you dispute the facts

Where facts remain in dispute, the case will move to stage one. The chair will invite the GMC's representative to open the GMC's case and present evidence in support of its case.

### Order of presenting evidence

In stage one of the hearing, evidence will be presented in the order shown in the following flowchart. Stages two and three will follow a similar process if further evidence is presented.

## The GMC's case

The GMC's representative opens the case.



The GMC's representative may call witnesses. If witnesses are called, the sequence will be:

- the GMC's representative asks questions
- you or your representative ask questions (cross-examine)
- the GMC's representative may ask further questions arising from your questions
- the tribunal may ask questions
- you or your representative may ask further questions arising from the tribunal's questions
- the GMC's representative may ask further questions arising from the tribunal's questions.



The GMC's representative can withdraw some parts of the allegation or ask to amend the allegation. If this happens, you or your representative can make a statement in relation to this.



The tribunal makes a decision on the matter in camera.



## Your case

You or your representative can tell the tribunal that insufficient evidence has been presented to find some or all of the facts proved, and whether the hearing should end as a result.



The tribunal decides in camera if they think that the evidence is sufficient to continue with the case.



You or your representative may give evidence or call witnesses, or both. If witnesses are called, the sequence will normally be:

- the GMC's representative asks questions
- you or your representative may ask further questions arising from the GMC representative's questions
- the tribunal may ask questions
- the GMC's representative may ask further questions arising from the tribunal's questions
- you or your representative may ask further questions arising from the tribunal's questions.



## Closing statements

The GMC's representative makes a closing statement.



You or your representative may make a closing statement.



The legally qualified chair or the legal assessor may give advice to the tribunal.



The tribunal decides in camera on any facts in dispute.

## The GMC's case

The GMC, which makes the allegation, presents its evidence first. This will include calling witnesses and asking them questions. You or your representative have the right to ask each witness questions (cross-examine).

## Your case

If you are representing yourself at the hearing and the allegation is of a sexual nature, you are not allowed to question any of the alleged victims without their written consent. We will appoint and pay for a barrister to cross-examine the witnesses on your behalf. But we won't pay for a barrister for any other part of the hearing.

## Giving evidence

You may give evidence, as opposed to simply making a statement on the evidence given by others. If you give evidence, the GMC's representative and the tribunal can ask you questions about it. You will not be questioned by the GMC's representative or the tribunal if you choose only to make an oral statement. However, if you choose to give evidence as a witness under oath or affirmation, and can therefore answer questions, this may carry more weight than a statement alone.

If you decide to give evidence, a member of staff will show you to the witness desk and ask you either to take a religious oath on a holy book of your choosing or to make an affirmation that your evidence is true.

You should provide a written statement of your evidence, unless you have requested permission to give evidence orally and this request has been approved. You should speak clearly and slowly into the microphone on the witness desk so that everyone can hear your evidence. Once you have finished, the GMC's representative and the tribunal may ask you questions.

While you are giving your evidence, you may refer to or be shown documents. Take your time to read each document carefully.

## Stage one: findings of fact

When stage one begins, you may already have admitted some of the facts. But this stage focuses on any facts that are still in dispute. The burden of proof lies with the GMC – this means that the GMC, which makes the allegation, has to prove that the facts supporting the allegation are true to the satisfaction of the tribunal. You do not have to prove anything.

The tribunal will decide that a fact is proved if it is more likely than not to have happened – this is the civil standard of proof.

Witnesses may be questioned by the GMC's representative, by you or your representative, and by the tribunal. When the GMC's representative has finished presenting their evidence, you or your representative will be able to make a submission on whether sufficient evidence has been presented to prove the facts. You or your representative will also be able to present evidence and call witnesses. The legally qualified chair or the legal assessor may advise the tribunal.

### Evidence on facts in dispute

The GMC's representative sets out the allegations and presents evidence in support of the case against you. Witnesses may be called to give evidence.

You, or your representative, presents evidence in response and may call witnesses.

The parties make closing statements on the evidence.

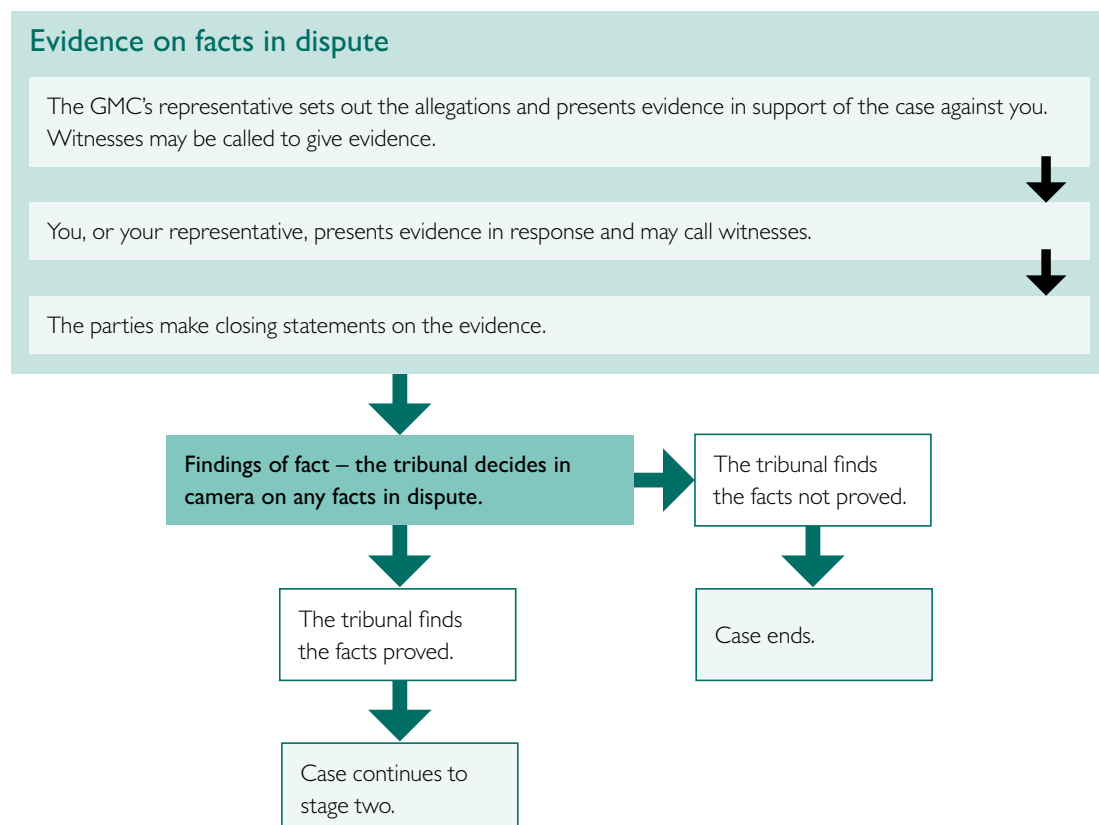
**Findings of fact – the tribunal decides in camera on any facts in dispute.**

The tribunal finds the facts not proved.

The tribunal finds the facts proved.

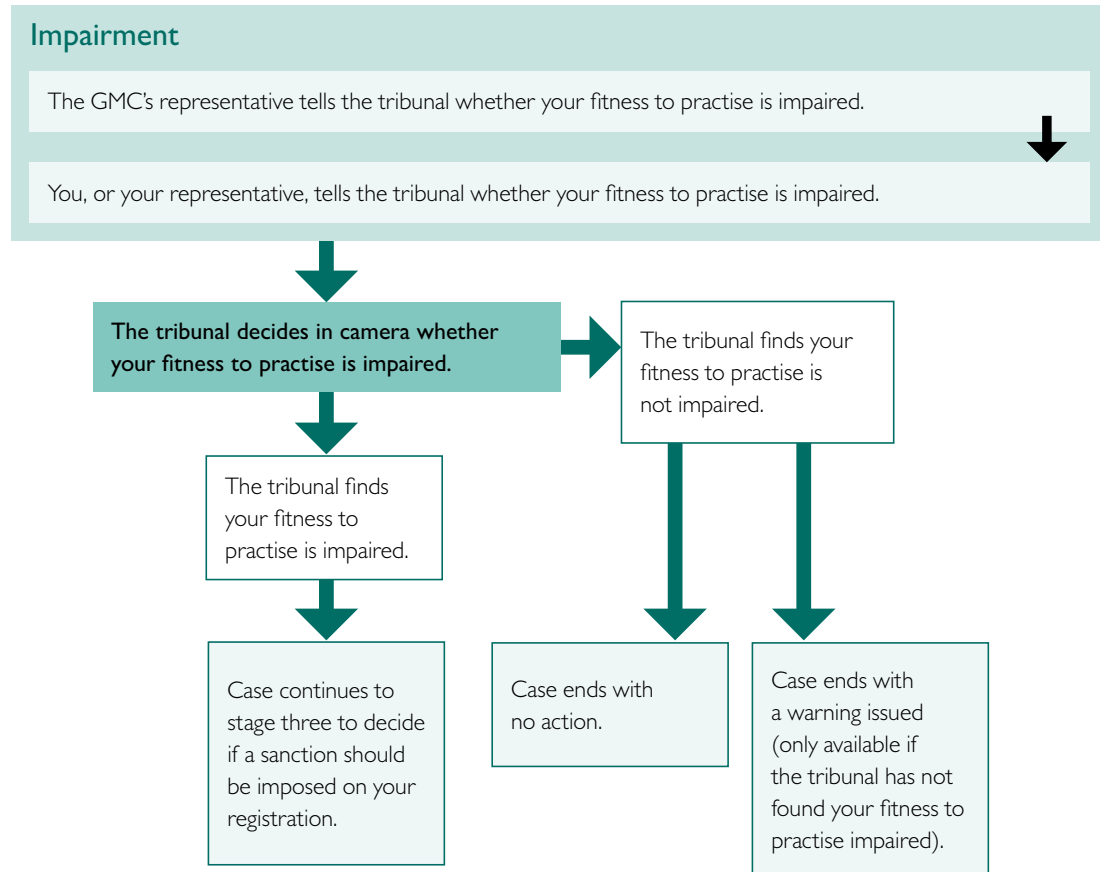
Case ends.

Case continues to stage two.





## Stage two: decision on impairment



This stage is about whether the facts that have been proved show that your fitness to practise is impaired. This is for the tribunal to decide. Neither you nor the GMC can argue about whether the facts have been proved at this stage.

Both the GMC's representative and you or your representative will be able to address the tribunal about whether your fitness to practise is impaired. In relevant cases, both parties can present additional evidence relating specifically to impairment.

The legally qualified chair or the legal assessor may advise the tribunal.

### The tribunal decides your fitness to practise is not impaired

If the tribunal decides your fitness to practise is not impaired, it may ask both parties whether they think you should be given a warning. Tribunals normally give warnings where a doctor's fitness to practise is not impaired but where there has been a significant departure from the guidance set out in the GMC's guidance for doctors, *Good medical practice*. The tribunal may also give a doctor a warning if they have significant cause for concern about some part of a doctor's practice, but a restriction on the doctor's registration is not necessary.

Warnings are published against a doctor's entry in the medical register for five years. After that, only a doctor's employer can find out about the warning by asking the GMC.

You can read the GMC's guidance on warnings on the *Our guidance for decision makers* section of the GMC website at [www.gmc-uk.org/decision\\_makers\\_guidance](http://www.gmc-uk.org/decision_makers_guidance).

### The tribunal decides your fitness to practise is impaired

If the tribunal decides that your fitness to practise is impaired, your case will continue to stage three to decide if your registration should be restricted or removed.

## Stage three: decision on the sanction

### Previous history, mitigation and sanction

The GMC's representative tells the tribunal what sanction they think is appropriate.

You, or your representative, comment on the proposed sanctions and present evidence to support your character and mitigate the possible sanctions. You may also offer undertakings. These must be agreed between you and the GMC before they can be considered by the tribunal.

**The tribunal decides in camera which sanction to impose.**

The tribunal decides that none of the sanctions are appropriate.

The tribunal decides to impose a sanction of:

- conditions (max three years)
- suspension (max one year)
- erasure.

Case ends with no action.

Case ends with undertakings accepted.

### Immediate orders

The GMC's representative tells the tribunal whether they think the sanction should be imposed immediately.

You, or your representative, tell the tribunal why the sanction does not need to be imposed immediately.

**The tribunal decides in camera if an immediate order should be imposed.**

The tribunal makes no immediate order.

The tribunal decides to impose immediate suspension or immediate conditions.

Case ends pending possible appeal.

Case ends pending possible appeal.

The tribunal's decision is not intended to be punitive, but it may have a punitive effect. The main reason for imposing sanctions is to protect the public, which includes:

- protecting the health, safety and wellbeing of the public
- maintaining public confidence in the profession
- promoting and maintaining proper professional standards and conduct for the members of the profession.

The GMC's representative will tell the tribunal the sanction they think is appropriate. This recommendation will be based on the GMC and MPTS *Sanctions guidance*, which you can find on the *Guidance* section of our website at [www.mpts-uk.org/guidance](http://www.mpts-uk.org/guidance).

The *Sanctions guidance* outlines the factors that should be considered when deciding what sanction to impose.

It also contains guidance on the issue of warnings where a tribunal has concluded that the doctor's fitness to practise is not impaired.

You or your representative will make a submission to the tribunal setting out your views on the appropriate sanction. You can offer to voluntarily restrict your practice, which is known as an undertaking, for the tribunal to consider as an alternative to imposing a sanction. Undertakings can be presented for the tribunal's consideration **only** if they have been agreed between you and the GMC.

If you wish to suggest written undertakings, you should refer to the document *Agreeing a doctor's undertakings*, which lists the kind of restrictions that tribunals may agree to. You can also read our guidance document on undertakings, called *Undertakings at medical practitioners tribunal hearings*. You can find both documents at [www.mpts-uk.org/guidance](http://www.mpts-uk.org/guidance).

A tribunal can impose conditions on a doctor's registration. These conditions set out the limits within which the doctor may practise.

The document *Imposing conditions on a doctor's registration* sets out the wording tribunals should use when imposing conditions. You should read it alongside the glossary found at the end of that document and the *Sanctions guidance*. You can find both documents at [www.mpts-uk.org/guidance](http://www.mpts-uk.org/guidance).

## Supporting evidence to mitigate the sanction

Before the tribunal decides what sanction to impose, you may wish to give evidence to support your character. You can provide testimonials from fellow doctors or other healthcare professionals and patients, and you can call character witnesses to give evidence in person. These witnesses may be questioned by you, the GMC's representative and the tribunal.

There may not be much time between stages two and three, so you need to arrange the testimonials before the hearing and make sure that your character witnesses are on standby to come to the hearing. If you are represented, your representative will be able to help you work out the timings.

The tribunal may get further advice from the legally qualified chair or the legal assessor. It will then decide in camera on the appropriate sanction to impose or whether to accept written undertakings, agreed between you and the GMC.

### Possible outcomes

The tribunal can:

- end the case with no change to your registration
- accept undertakings
- impose a sanction on your registration of:
  - specified conditions for up to three years
  - suspension for up to one year
  - erasure of your name from the medical register.

A tribunal can't erase your name from the medical register if your case relates only to your health or your knowledge of English.

If the tribunal believes it is necessary to protect patients, it can impose an immediate order of conditions or suspension. If you are at the hearing, or you have a legal representative present, this will take effect from when it is announced. If you are not at the hearing, it will be from when notification of the hearing outcome is deemed to have been served on you. If you appeal the sanction, the immediate order will remain in place until the appeal concludes or is withdrawn.

### Informing overseas regulators about hearing outcomes

#### Overseas regulators

The GMC has a commitment to exchange information between medical regulators. Therefore, if you gained your primary medical qualification outside the UK, or your registered address is outside the UK, the GMC will contact the medical regulator in that country at the end of your hearing if a medical practitioners tribunal directs that conditions be imposed on your registration, or that your registration be suspended or erased.

#### European alerts mechanism

The GMC is legally required to inform European medical regulators about restrictions or prohibitions on a doctor's registration, including doctors who have undertakings or conditions that affect their practice, or have been suspended or erased.

The GMC will send this information within three days of the hearing concluding or from the date of when the sanction comes into effect. You have the right to:

- appeal against the decision to send this information
- apply for inaccurate information to be corrected
- seek remedies for damage caused by an incorrect alert.

If you have any questions about this, you should email [imialerts@gmc-uk.org](mailto:imialerts@gmc-uk.org).

We may also give further information about the case in response to specific requests from a European regulator. If we disclose further information, we'll let you know.

### How long do I have to appeal a tribunal's decision?

If the tribunal decides to impose a sanction, you have 28 days to appeal the decision. For more information about appeals, see page 22.

### Reviewing the sanction

If the tribunal imposes a sanction of conditions or suspension on your registration, it will usually order a hearing to review your case shortly before the sanction comes to an end.

Cases can be reviewed at a review hearing or on the papers if both parties agree on the proposed outcome. On the papers means without your or the GMC's attendance.

Most reviews on the papers will be carried out by tribunal chairs, although full tribunals can also do so. In both instances, we'll schedule a review hearing to take place before the review date.

If the chair or tribunal is content with the agreed outcome, they will make an order on the agreed terms. The chair or tribunal may decide that a full review hearing should take place, if they consider the proposed outcome to be insufficient to protect the public or they don't have enough information to make a decision.

At the review hearing, the tribunal will consider whether your fitness to practise is still impaired, and any further action needs to be taken against your registration. If it decides that your fitness to practise is no longer impaired, the suspension or conditions will be lifted immediately.

For more information on the review on the papers process, see the *Information for unrepresented doctors* section of our website at [www.mpts-uk.org/unrepdoctors](http://www.mpts-uk.org/unrepdoctors).

# What will happen at the end of the hearing?

## Giving you a written notification of the outcome

At the end of the hearing, the chair will read out the tribunal's decision and the tribunal clerk will give you a written copy. If the tribunal has decided to suspend your registration or to erase your name from the medical register, you may be asked to sign to confirm that you have received the copy. If you chose not come to the hearing, we'll send you written confirmation of the outcome immediately after the hearing by registered post, and by email if you gave us or the GMC an email address to use in relation to fitness to practise matters

## Making an appeal against the decision

The statutory period to lodge an appeal is 28 days. You can appeal – to the High Court in England and Wales, to the Court of Session in Scotland, or to the High Court of Justice in Northern Ireland – against any tribunal decision that restricts or removes your registration. The written notification of the hearing outcome will include details of the appeal process.

If you received and signed for a notification at the hearing, the 28 days run from the date of the tribunal's decision.

If this did not happen, the 28 days will run from the day on which, as set out in the *Medical Act 1983*, notification was deemed to have been served on you, by post or email.

If you appeal, any immediate order will take effect, but the sanction won't come into effect until the appeal ends or is withdrawn.

The GMC has the power to appeal if it considers that the hearing outcome is not sufficient for the protection of the public, the GMC's overarching objective.

The Professional Standards Authority may also refer decisions that they think are not sufficient for the protection of the public – see [www.professionalstandards.org.uk](http://www.professionalstandards.org.uk) for more information.

# Contact information

## Medical Practitioners Tribunal Service

7th Floor, St James's Buildings,  
79 Oxford Street,  
Manchester M1 6FQ

**Email:** [enquiries@mpts-uk.org](mailto:enquiries@mpts-uk.org)  
**Website:** [www.mpts-uk.org](http://www.mpts-uk.org)  
**Telephone:** 0161 923 6263

## The General Medical Council

**Email:** [gmc@gmc-uk.org](mailto:gmc@gmc-uk.org)  
**Website:** [www.gmc-uk.org](http://www.gmc-uk.org)  
**Telephone:** 0161 923 6602

## Bar Pro Bono Unit

**Email:** [enquiries@barprobono.org.uk](mailto:enquiries@barprobono.org.uk)  
**Website:** [www.barprobono.org.uk](http://www.barprobono.org.uk)  
**Telephone:** 020 7092 3960

## Medical Defence Union

**Email:** [advisory@themdu.com](mailto:advisory@themdu.com)  
**Website:** [www.themdu.com](http://www.themdu.com)  
**Telephone:** 0800 716 646

## Medical and Dental Defence Union of Scotland

**Email:** [info@mddus.com](mailto:info@mddus.com)  
**Website:** [www.mddus.com](http://www.mddus.com)  
**Telephone:** 0845 270 2034

## Medical Protection Society

**Email:** [querydoc@mps.org.uk](mailto:querydoc@mps.org.uk)  
**Website:** [www.mps.org.uk](http://www.mps.org.uk)  
**Telephone:** 0845 605 4000

## The Hearings Procedure Telephone Information Service

**Website:** [www.mpts-uk.org/  
telephoneinfoservice](http://www.mpts-uk.org/telephoneinfoservice)

## BPP Law School

**Telephone:** 0161 235 7177  
**Will call you back:**  
Monday and Friday,  
10 am–12 noon and 2 pm–4 pm

## University of Law

**Telephone:** 01483 216 738  
**Will call you back:**  
Tuesday and Thursday,  
10 am–12 noon and 2 pm–4 pm

## The Witness Service

**Email:** [witnesssupport@gmc-uk.org](mailto:witnesssupport@gmc-uk.org)  
**Website:** [www.gmc-uk.org/concerns/  
witnesses/before\\_hearing.asp#talkingto](http://www.gmc-uk.org/concerns/witnesses/before_hearing.asp#talkingto)  
**Telephone:** 0161 200 1956

## The Doctor Support Service

**Email:** [doctorsupportservice@bma.org.uk](mailto:doctorsupportservice@bma.org.uk)  
**Website:** [www.bma.org.uk/support-at-work/  
doctors-well-being/doctor-support-service](http://www.bma.org.uk/support-at-work/doctors-well-being/doctor-support-service)  
**Telephone:** 020 7383 6707



## Travelling to our hearing centre



### Medical Practitioners Tribunal Service

7th Floor, St James's Buildings,  
79 Oxford Street,  
Manchester M1 6FQ

**Telephone:** 0161 923 6263

**Open:** 8 am–4 pm, Monday to Friday

For more information, visit the  
Contact us section of our website at  
[www.mpts-uk.org/contact](http://www.mpts-uk.org/contact).

### Metrolink

The closest Metrolink station is  
St Peter's Square.

However, there will be major disruptions  
to the tram service through St Peter's  
Square until late 2016 – please visit the  
Metrolink website for further details at  
[www.metrolink.co.uk](http://www.metrolink.co.uk).

### Train

The building is a ten-minute walk  
from Manchester Piccadilly station.  
Alternatively, it is a two-minute walk  
from Oxford Road station.

Email: **enquiries@mpts-uk.org**

Website: **www.mpts-uk.org**

Telephone: **0161 923 6263**

Medical Practitioners Tribunal Service

7th Floor, St James's Buildings, 79 Oxford Street, Manchester M1 6FQ

Textphone: please **dial the prefix 18001** then  
**0161 923 6263** to use the Text Relay service

To ask for this publication in Welsh, or in another format  
or language, please call us on **0161 923 6263** or email us at  
**enquiries@mpts-uk.org**.

The Medical Practitioners Tribunal Service makes impartial decisions on doctors' fitness to practise. The Medical Practitioners Tribunal Service is part of the General Medical Council, but it is operationally separate and it is accountable to Parliament.

Published January 2016

© 2016 General Medical Council

The text of this document may be reproduced free of charge in any format or medium providing it is reproduced accurately and not in a misleading context. The material must be acknowledged as GMC copyright and the document title specified.

The GMC is a charity registered in England and Wales (1089278) and Scotland (SC037750)

Code: MPTS/MPT-A4/0116