

# Information for doctors

whose cases are due to be heard by  
an interim orders 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.

This document is for doctors who receive a written notice that a hearing of the interim orders tribunal will take place. As interim orders tribunals are scheduled urgently, we've written this document to give you information to help prepare for your hearing. You should read it alongside:

- *Imposing interim orders: guidance for the interim orders tribunal and the medical practitioners tribunal*, which you can find at [www.mpts-uk.org/guidance](http://www.mpts-uk.org/guidance).
- the other information you receive with the hearing notice.

If you have received a notice that your case has been referred to an interim orders tribunal, it is because the nature of the concerns\* received by the GMC suggest that measures may be required to protect the public, the wider public interest or your own interests until the matter is resolved. The tribunal will therefore consider whether it should make an interim order to restrict your registration by imposing conditions, or to suspend your registration.

Interim orders tribunal hearings take place in private, unless you ask for it to take place in public.

\* The concerns include those relating to misconduct, deficient performance, adverse physical or mental health, a criminal offence, or another regulator's finding that a doctor has impaired fitness to practise in a professional health or social care capacity.

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

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If you're a member of a medical defence organisation and are being assisted by them, or have organised your own legal representation, your solicitor will be able to give you information and advice about the hearing. If you're a member of a medical defence organisation and have not already contacted the organisation, you should do so (see page 11 for contact details).

### 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. Although they do not currently represent doctors at interim orders tribunals, they may be able to assist you in relation to your ongoing case and if your case reaches a medical practitioners tribunal hearing. The unit can only consider applications for assistance through referrers like the Citizens Advice Bureau, MPs and solicitors (see page 11 for contact details).

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 attend the hearing and 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

#### 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](mailto: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/unrepdoctors](http://www.mpts-uk.org/unrepdoctors).

### 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?

We will send you a written Notice of Hearing – usually this will be at least seven days before the start of the hearing. In exceptional cases, the notice period may be shorter. The written notice and its enclosures will:

- give the date, time and venue of the hearing
- confirm that you have the right to come to the hearing and be represented
- confirm that the hearing can proceed in your absence
- explain the tribunal's role and powers.

You must reply to the written notice to tell us if you are going to come to the hearing. We also need to know if someone will represent you, and, if so, who that will be.

The GMC will also write to you to:

- set out the reasons why it considers an interim order needs to be made
- give you a copy of any relevant written evidence it has obtained.

Interim orders tribunal hearings usually take place in private. If you wish the hearing to take place in public, please let us know.

## 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, and you'll be able to give the tribunal your comments about the GMC's application to impose an interim order.

Along with the written Notice of Hearing, we'll also send you a hearing attendance form. You must complete and return this, to let us know whether you will attend your hearing and whether someone will represent you.

Please also let us know as soon as possible:

- if you are unable to come to the hearing because of personal circumstances, such as emergency care issues
- if you have any additional needs that affect whether you can come to the hearing (eg because of a disability or communication difficulty).

The hearing may go ahead without you or your representative being present if the tribunal is satisfied that you have been given notice of the hearing. It is your responsibility to keep your address details up to date so we can contact you.

Although we can postpone a hearing, in practice the circumstances in which we do so are limited and any postponement will be very short. This is because the allegation made against you suggests that your registration may need to be restricted or suspended on an interim basis as soon as possible.

Although the interim orders tribunal doesn't need you to be present to consider whether to impose an order, as noted above, it is in your interests to attend. You can also submit your observations in writing. These will be circulated to the tribunal in advance of the hearing.

## Submitting documents

If you plan to rely on any documents at the hearing, you need to send these to us without delay before the hearing so we have time to photocopy them. If you can't send the documents in advance, you can submit them at the hearing – however, you will need to bring seven copies of every document.

The documents should have an index and page numbers. If your bundle of documents is large, you should highlight key documents for the tribunal to consider.

## The hearing centre

Our hearing centre is in St James's Buildings on Oxford Street in Manchester – there is a map on page 12 of this booklet.

There is an interactive virtual tour of the hearing centre, with audio commentary, on the *Our hearing centre* section of the 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.

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 of your hearing, you should aim to arrive at the hearing centre at least half an hour before the hearing is due to start.

Please come to our reception desk on the 7th floor of St James's Buildings. A member of staff will meet you and show you to your private waiting room.

The waiting room will be available to you throughout the hearing. Free hot drinks and water are available.

Because several cases usually take place on the same day, you may have some waiting time, which we'll do our best to minimise. But as the length of hearings can vary quite considerably, please be aware that this can have an impact on the actual start time of hearings.



## Who will be at the hearing?

### The tribunal and tribunal members

An interim orders tribunal is made up of three tribunal members, one of whom will act as the 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 are drawn from a pool who we have appointed and trained.

### Legally qualified chair

The chair of your hearing may be a 'legally qualified chair'. The legally qualified chair – an experienced solicitor or barrister – will 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 opposite) will not be present at the hearing.

### Legal assessor

An experienced barrister or solicitor who advises the tribunal on points of law and procedure.

### Others present

A solicitor or barrister will present the GMC's case. There will also be an MPTS tribunal clerk, who is responsible for the administration of the hearing.

## How does the hearing work?

The interim orders tribunal will consider whether to impose an interim order on your registration and, if so, what type of order.

At the hearing, the GMC will present its case. Your representative (or you, if you're representing yourself) will be given the opportunity to present your case. The submissions are limited to the question of whether, given the circumstances of the case, it is necessary to impose an order. And, if so, what type of order.

You can find further information on the test applied by the interim orders tribunal in *Imposing interim orders: guidance for the interim orders tribunal and the medical practitioners tribunal* at [www.mpts-uk.org/guidance](http://www.mpts-uk.org/guidance).

The tribunal does not decide whether any of the alleged facts are proved (known as findings of fact) or whether your fitness to practise is impaired.

As the interim orders tribunal does not make findings of fact, it is unusual for witnesses to be called.

Orders imposed must be reviewed periodically – either at a review hearing or 'on the papers' (see page 10). At a review, an order can be maintained, varied or revoked.

# What will happen at the end of the hearing?

The chair will read out the tribunal's decision, which sets out its reasons, and you will be given a copy of this. If you have chosen not come to the hearing, we'll send you written confirmation immediately after the hearing by registered post, and email if you gave us or the GMC an email address to use in relation to fitness to practise matters.

## Possible outcomes

The tribunal has the following options. To impose:

- no order
- order of conditions
- order of suspension.

If the tribunal decides to impose an interim order, the MPTS and GMC will publish this information on their websites. The reasons for the decision, which includes the details of the case, won't be published unless the hearing is in public. Confidential information, eg relating to physical or mental health conditions, won't be published under any circumstance.

## 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 your hearing if an interim orders tribunal directs that conditions be imposed on your registration, or that your registration be suspended.

## 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. The GMC will send this information within three days of the hearing. 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.

## Review of the interim order

Decisions to impose an interim order take effect immediately. If the interim orders tribunal decides to impose an interim order, the order must be reviewed within the first six months and then at intervals of at least every six months. The order may also be reviewed when relevant new evidence becomes available. You can apply for an early review hearing in these circumstances.

Interim orders can be reviewed 'on the papers' or at a review hearing. 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.

## Review on the papers

On the papers means a review without your or the GMC's attendance. If you and the GMC agree on the proposed outcome, a review on the papers will take place, provided there is enough time to prepare. You will need to supply evidence of compliance with existing conditions, if applicable, to facilitate this.

If the chair or tribunal is content with the agreed outcome, they will make an order on the agreed terms. If so, the review hearing will be cancelled.

The chair or tribunal may decide that a review on the papers isn't appropriate, and that the review hearing should take place on the scheduled date. This might happen if they consider the proposed outcome to be insufficient to protect the public or they don't have enough information to make a decision.

You can find more information in our *Reviews on the papers* factsheet, available at [www.mpts-uk.org/unrepdoctors](http://www.mpts-uk.org/unrepdoctors).

## Review hearing

At the review hearing the GMC will present its case. Your representative (or you, if you're representing yourself) will be given the opportunity to present your case. The submissions are limited to the question of whether, given the circumstances of the case, the interim order should be maintained, varied or revoked.

# Contact information

## Medical Practitioners Tribunal Service

Send documents by email to  
**iotadmin@mpts-uk.org**

Or, if sending by post, send seven copies  
of each document to:

Interim Orders Tribunal team  
Medical Practitioners Tribunal Service  
7th Floor, St James's Buildings  
79 Oxford Street  
Manchester M1 6FQ

For other queries:

**Email:** iotadmin@mpts-uk.org  
**Website:** www.mpts-uk.org  
**Telephone:** 0161 240 7260

## The General Medical Council

**Email:** gmc@gmc-uk.org  
**Website:** www.gmc-uk.org  
**Telephone:** 0161 923 6602

## Medical Defence Union

**Email:** advisory@themdu.com  
**Website:** www.themdu.com  
**Telephone:** 0800 716 646

## Medical and Dental Defence Union of Scotland

**Email:** info@mddus.com  
**Website:** www.mddus.com  
**Telephone:** 0845 270 2034

## Medical Protection Society

**Email:** querydoc@mps.org.uk  
**Website:** www.mps.org.uk  
**Telephone:** 0845 605 4000

## The Doctor Support Service

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

## Bar Pro Bono Unit

**Email:** enquiries@barprobono.org.uk  
**Website:** www.barprobono.org.uk  
**Telephone:** 020 7092 3960

## 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.

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