

Content

Information for doctors
appearing before a Fitness
to Practise Panel

Legal assessor recruitment

Feedback from Joan Martin

Fitness to practise activity

Empanelment

Future regulation of medical
education and training

Your questions
answered

Information for doctors appearing before a Fitness to Practise Panel

We have produced a new online resource for doctors entitled *Information for doctors whose cases are due to be considered by a Fitness to Practise Panel*, to help doctors prepare for their hearings.

This provides information about what happens at a hearing and the facilities available. We anticipate that the information will be particularly useful for doctors who do not have legal representation and also to help ensure that the time at hearings is used more effectively.

We circulated a draft of the information to panellists, legal assessors, the medical defence organisations and others for comment before it was finalised. We are grateful for the helpful and supportive comments we received, which were taken into account before finalising the information.

The information is available on our website at www.gmc-uk.org/concerns/hearings_and_decisions.asp. A printed version will be available in Spring 2010 and will be sent to all doctors immediately after their cases have been referred for hearing.

Legal assessor recruitment

We are recruiting for additional legal assessors to assist with the increased workload.

The posts will be advertised in *The Times*, *Counsel* magazine, the *Law Society Gazette* and on the TotallyLegal website (www.totallylegal.com/) in late January and early February.

The posts will also be advertised on the [GMC website](#).

The closing date for applications is **22 February 2010**.

Feedback from Joan Martin

Convenor, Fitness to Practise Reference Group

Between September and December 2009, together with fellow members of the Fitness to Practise Reference Group, I met with panellists at their training days to talk about the policy development work we do on adjudication issues.



More specifically, we discussed our current hearings management project and sought feedback about matters that may be contributing to the increasing length of hearings.

I found the sessions very helpful, both in terms of meeting panellists, and getting firsthand feedback about our Fitness to Practise Panel hearings. It was reassuring that the issues raised were similar to those raised within our consultation process in 2009.

There was a general consensus that the drafting of allegations needed to be looked at. We set up an independently chaired working group to look at this last year which is due to issue a report shortly and this will be discussed at the Fitness to Practise Reference Group in February. We will let you know the outcome in due course.

In October 2009, Council agreed a programme of work to look at ways we might improve hearings management in advance of the transfer of adjudication to the Office of the Health Professions Adjudicator (OHPA) next year. This includes:

- a review of our use of independent case managers
- a review of how we might use experts' meetings
- consideration of greater use of video conference facilities for witnesses.

Further suggestions arising from the training day sessions, such as templates for drafting determinations, are also being fed into that work programme.

Several of you mentioned that, in many cases, it is not necessary to hold a review hearing, for example,

where there is agreement about the way forward and the issue may be dealt with less formally. Last year we obtained agreement from Council to a number of changes requiring amendment to the Medical Act, which included a change to allow this approach to review hearings. The changes are with the Department of Health awaiting a suitable Section 60 Order.

We have commenced discussions with OHPA about the development of their rules and, in particular, what changes might be made to the process in the future to bring efficiencies. We will be discussing with them some of the issues raised at the training days including:

- a substantive role for chairs in active case management
- whether chairs should be legally qualified
- the possibility of panels being able to conflate hearing stages in relevant cases, for example, where the doctor admits impairment
- the use of standard directions and whether this should include advance disclosure
- the use of reserved determinations in more complex cases
- the development of more robust enforcement measures such as costs awards.

We will keep you informed about changes that emerge as a result of these work programmes. Thank you again for your constructive feedback.

I would also like to thank you for all your hard work and continued commitment to the GMC.

Joan Martin

Fitness to practise activity

2009 saw an increase in the number of sitting days for all panels as the following table demonstrates; figures for 2008 are shown in brackets.

Investigation Committee	58 (22)
Fitness to Practise Panel	2268 (1822)
Interim Orders Panel	311 (278)
Total	2637 (2122)

The significant increase in the number of referrals to the Investigation Committee coupled with the loss in the autumn of the PLAB suite in London, where the Committee had traditionally held a number of its meetings, posed some challenges for the listing of cases. However, both our London and Manchester offices were able to facilitate the increase.

In 2010, the Committee will hear cases in Manchester at our new offices in Hardman Street, while hearings before the Interim Orders Panel (IOP) and Fitness to Practise (FTP) Panel in Manchester will continue to be held in St James's Buildings. Investigation Committee hearings will also continue to be heard in our London offices in Euston Road as will hearings of the IOP and FTP Panel.

The increase in the number of IOP and FTP Panel sitting days reflected an increase in the number of

referrals to those panels and, in the case of the FTP Panel, an increase in the average length of hearings.

In order to try and ensure that we continued to meet our service targets, we increased the number of our hearing rooms and hence the number of hearings we can run concurrently, initially from 11 to 13 in July and from 13 to 16 in October. We will continue to run 16 concurrent hearings throughout 2010.

We have also launched a business improvement project to explore ways in which we might further improve our approach to case management and our hearing efficiency. This involves a number of initiatives including: exploring a more flexible use of the case management telephone conferences, enhanced pre-hearing management of cases with expert evidence, wider use of video link evidence, considering whether parties could be released more frequently during panels' in camera discussions, and a review of the Case Review process.

During 2009, we reviewed the size of the various pools of panellists and transferred six panellists from the FTP Panel pool, four of whom went to the Investigation Committee and two to the IOP to help deal with their increased workloads.



Hearing room in our London office



Hearing room in our Manchester office,
St James's building

Empanelment

The **January 2009** issue of the Bulletin explained how empanelment is undertaken. There was no change in empanelment policy during 2009.

The following tables illustrate that for those panellists who sit on the IOP and FTP Panel, the higher the number of days they are able to offer and the more frequently they are likely to sit. Those panellists who do not wish to sit in a particular hearing centre and FTP Panel panellists who are unable to sit full weeks, are likely to be empanelled for far fewer days than other panellists

IOP empanelment in 2009

Days offered	Number of panellists (36 total)	Days secured (range)	Actual days (range)
0-5	7	0 [^] -10	0 [*] -17
6-10	0	-	-
11-20	5	7-14	6-31
21-40	7	8 [~] -23	5 [~] -29
41-60	1	17	20
61-100	5	16 [#] -36	18-38
101+	11	14-9	23-116

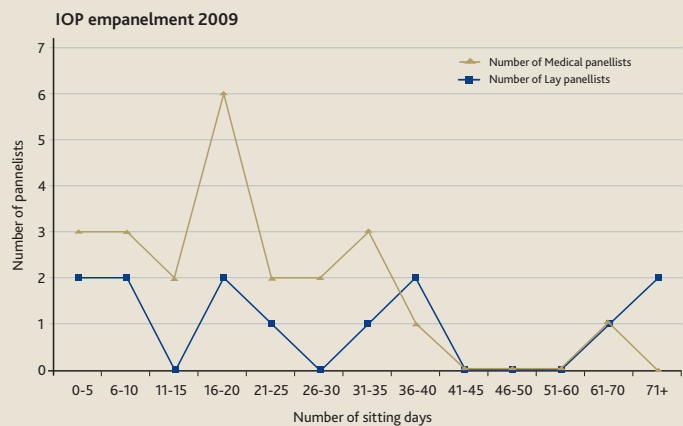
[^] Includes three panellists who returned to the IOP mid-year and two who transferred mid-year from the Fitness to Practise Panel

* Panellist unavailability following transfer

~ Panellist demitted office

Panellist with limited week to week availability

The graph below shows the range of actual sitting days, separately, for medical and lay panellists.



Fitness to Practise Panel empanelment in 2009

Days offered	Number of panellists (257 total)	Days secured (range)	Actual days (range)
0-5	9	0-40 [^]	0-85 [*]
6-10	5	0-9	0-12
11-20	17	0-22	0-30
21-40	22	5-32	0-85 [~]
41-60	35	0 [#] -63	4-64
61-100	29	5-95	1-88
101+	140	9-169	0 [/] -150

[^] Panellist empanelled on long case

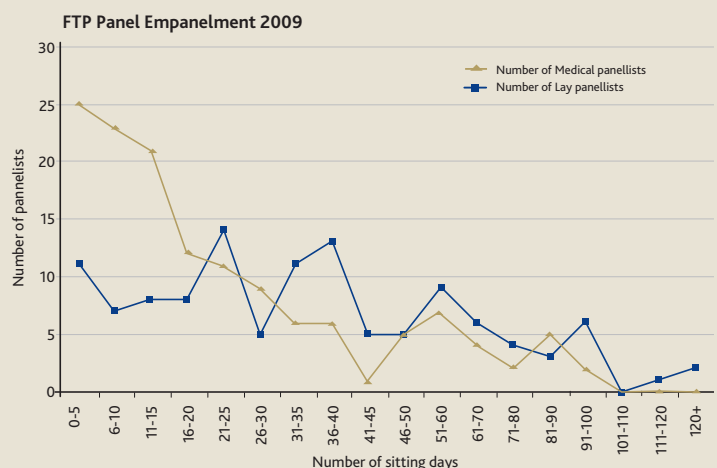
* Panellist offered no week to week days, but sat on a long running case.

~ Panellist sat on a long running case

Two panellists demitted office

/ Panellist withdrew from a significant amount of hearing days

The graph below shows the range of actual sitting days, separately, for medical and lay panellists.



Future regulation of medical education and training

The GMC and Postgraduate Medical Education Training Board commissioned an independent review of the regulation of doctors' education and training. The review, which was chaired by Lord Patel, spans the entire career of a doctor.

Lord Patel has published a **draft report** with 27 proposed recommendations.

These address the different stages of education and training (undergraduate, postgraduate and continuing practice) and the links between them, as well as the handing of medical graduates from other countries. The recommendations have implications not only for doctors and those involved in their training, but also for patients and for healthcare organisations throughout the UK.

Lord Patel has encouraged doctors, employers and patients to share their views on the draft report. The consultation runs until 9 March 2010 after which Lord Patel will deliver his final report to the GMC. It will then be for the GMC to decide how to take forward the recommendations of the review.

You can take part in the consultation by submitting your views at <https://gmc.e-consultation.net/econsult/default.aspx>.

Your questions answered

Q. Have the training programmes for 2010 been agreed and are there any plans to include residential training for panellists?

A. There will be training sessions for both panellists and legal assessors. The programmes have yet to be finalised and we will write to all panellists and legal assessors once they are. We are aware that a number of panellists favour residential training and we considered running such sessions this year but, given the cost of such training and the need to ensure maximum value for money, there will not be any residential training this year.

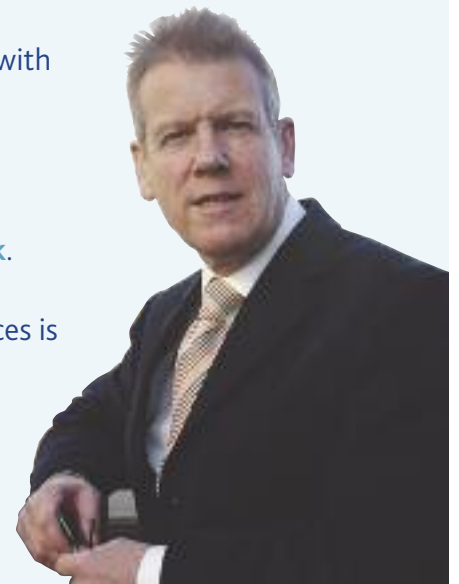
Q. Are there any developments on the establishment of OHPA?

A. There have been a number of developments. Earlier this month Professor Dame Janet Finch DBE was appointed as the third non-executive director of OHPA. She will assist OHPA Chairman, Walter Merricks, and the other non-executive directors, Andrew Colquhoun and Pamela Charlwood, with preparation for the transfer of the GMC's adjudication function to OHPA.

Last December, Walter Merricks and two members of staff from the OHPA interim team, attended a meeting with the Adjudicators' Forum representatives and the GMC. This was an opportunity for Walter to meet a few panellists, to provide a brief update on the establishment of OHPA and the decisions that remain to be taken. It also enabled the Forum representatives to discuss the issues with Walter.

OHPA has set up a website at www.ohpa.org.uk.

A decision on the location of its offices is expected by April 2010.



*Walter Merricks -
Chair of OHPA*