



Help for witnesses

Working with doctors Working for patients

General
Medical
Council

The process of giving evidence can be intimidating.
We are here to support you before, during and after
you have given evidence.

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Introduction

The role of a witness at a hearing is crucial in giving a medical practitioners tribunal a first-hand account of what has happened so that they can make a decision about a case.

We understand that the process can be intimidating, so we have developed this booklet to inform you of the support available to you before, during and after you have given evidence.

This information can be made available in other formats and languages. We can also arrange an interpreter to be present if you are more comfortable communicating in another language. To request this, please speak to your GMC contact as soon as possible.

The Medical Practitioners Tribunal Service (MPTS) manages all medical practitioners tribunal hearings for the General Medical Council (GMC) at its hearing centre in Manchester.

Before attending the hearing

When an allegation is made about a doctor, we have to decide whether the case should proceed to a hearing in front of a medical practitioners tribunal.

If the doctor disputes the allegations, or for some other reason the case is to be heard by a tribunal, witnesses may be called to provide evidence at a hearing.

You may be asked to speak to a GMC solicitor on different aspects of the case.

To prove the allegations, the GMC must gather evidence to support its case. This will be made up of a number of documents including reports, correspondence, and written witness statements.

You may be asked to speak to a GMC solicitor on different aspects of the case. Arrangements will be made for you to meet with the solicitor, who will allow you to ask any questions about the process.

Sometimes witnesses may have difficulty with their employer allowing them to attend the hearing or they may be reluctant to attend. Because witnesses play a key role in our hearings, which are designed to protect patients, a witness can be served with a formal summons. The summons is a legal requirement for a witness to appear at a hearing, and, if a summons is ignored, the witness can be prosecuted for contempt.

Virtual tour

There is an interactive virtual tour of the hearing centre on the MPTS website www.mpts-uk.org/virtualhearingroom. This gives witnesses an idea of what to expect when they arrive to give evidence.

The virtual tour allows you to explore 360° views of the reception, hearing rooms and doctor and witness waiting rooms at the Manchester hearing centre. Users can click on the people in the photographs to access more information about the role of different people who are present at our hearings. The feature is supported by audio commentary.



Visit our interactive hearing room to find out what to expect when you arrive to give evidence.

We will let you know as soon as a date has been confirmed, and will make arrangements for any overnight hotel accommodation and book travel tickets.

The hearing date

We will contact you to discuss a hearing date and your availability to appear as a witness. Where possible, we will try to ensure that the hearing date coincides with a time when you are available. However, this is not always possible as there are a number of other factors that will affect the date, as well as many other people to accommodate.

Please let your GMC contact know as soon as possible about any specific travel or hotel accommodation requirements that you may have. For example, if you are a wheelchair user or if you have a visual impairment.

We will let you know as soon as a date has been confirmed, and will make arrangements for any overnight hotel accommodation and book travel tickets.

If you have any concerns about giving evidence, please raise this at an early stage with your GMC contact. We will let you know as soon as a date has been confirmed, and will make arrangements for any overnight hotel accommodation and book travel tickets.

Other help available

There may be factors that might make giving evidence particularly difficult for some witnesses. If you have a disability, illness or a condition, such as a depression or anxiety, a learning difficulty, a physical disability, or you experience difficulty in social situations, then this may affect how you give evidence before a tribunal. The way in which you present evidence may also be affected in situations where the allegations are of a sexual nature and you are the alleged victim or you feel intimidated due to your age, gender, race, cultural background or sexuality.

If you have any concerns about giving evidence, please raise this at an early stage with your GMC contact. They will discuss your circumstances with you and let you know whether adjustments can be made to assist you or if any special measures (eg screens or video-link) can be put in place to help you give evidence.



Talking to someone about being a witness

Being a witness can be a stressful experience for some people. If you feel that you would like support, you might wish to speak to someone who is independent of the GMC and the MPTS.

Our witness service provides dedicated support for people who have made a complaint to the GMC or who may be asked to give evidence to a hearing.

It is a confidential service run by volunteers from the charity Victim Support.

You can access support from the service at any time before, during or after attending a hearing.

The witness service can provide:

- telephone support
- home visits or face to face support in your local community
- an opportunity to talk to someone confidentially about how you are feeling

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- help to understand what happens during an investigation into a complaint about a doctor
 - an opportunity to visit the hearing centre before the day you are due to give evidence
 - an independent supporter who can accompany you on the day and be in the room while you give evidence to a hearing
 - practical assistance to make sure the GMC and the MPTS are aware of any arrangements that are needed to enable you to attend the hearing and help completing your expenses claim form
 - sign-posting to other organisations that can provide further support.

This service is free, confidential and independent.

Please remember that while volunteers are able to provide emotional support and practical help, they are not qualified to provide professional counselling or legal advice. They are also not allowed to discuss the evidence.

Contact us

If you would like to use this service you can ask your solicitor to make a referral. Alternatively, you can contact the witness service manager yourself by calling 0161 200 1956 or emailing witnesssupport@gmc-uk.org.

Meeting the doctor you are giving evidence against

If you are particularly concerned about meeting the doctor or anyone else involved in the case when you come to the hearing centre, it may be possible for someone to meet you and escort you to a witness waiting area or another room away from other witnesses. Unfortunately, it is not possible to guarantee that you will not meet other people involved in the case.

Things to remember

Make sure you have all the information you need before the day of the hearing.

- Check that you know the location of the hearing centre – there is a map on page 20 of this booklet.
- Write down any questions you may have about being a witness and, if you are unable to find the answers on our website, ask your GMC contact.
- Check the journey time and train or flight departure times to make sure you won't be late for the hearing.
- Bring your witness statement to read through, as well as a book or some other activity to keep you occupied while you wait to give evidence.
- If you are giving evidence by video or telephone, make sure you have the details you need for this and that we are able to contact you before the time that has been agreed for you to give evidence.

Attending the MPTS hearing

On the day of the hearing you should aim to arrive at the MPTS hearing centre in good time for the start of your evidence.

You will have been given a time to arrive, but please ensure you take account of any possible delays that may occur and aim to arrive at least half an hour before the time you have been allotted. Please come to the reception desk in the main foyer. You will be met by a member of staff or a witness service volunteer, who will take you to the witness waiting room.

The witness waiting room has a free hot and cold drinks machine and a selection of newspapers and magazines will be available.

Waiting to give evidence

No witness is permitted to be present during the hearing before giving evidence.

You will be asked to wait in the witness room along with other witnesses until you are required to give evidence. No witness (except an expert witness) is permitted to be present during the hearing before giving evidence. While you are waiting to give evidence, you should not discuss the case or your evidence with anyone else, including other witnesses, because this might prejudice the proceedings.

All cases are dealt with as quickly as possible, but sometimes hearings can overrun and witnesses may be required to wait some time before being able to give their evidence. If you are unable to give evidence on the allotted day because of a delay or change in circumstance, you will be asked to return on another day.

Public access to the hearing

Most hearings are held in public. There will be a public gallery where the press and public sit to watch the proceedings, usually at one end of the hearing room. Sometimes the tribunal will ask the press, public and witnesses to leave the hearing if there are any confidential matters to discuss. If this happens, you will be guided back to the witness waiting room until the hearing restarts.

Support for disabled people

The 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 the hearing to ensure we can make any necessary arrangements for you to give evidence.

Arrangements could include providing a sign language interpreter or assistance for a witness with a visual impairment such as providing information in an alternative format, or mobility assistance on the day of the hearing.

Childcare

Please do not bring children to hearings if you can possibly avoid doing so. Our expenses policy provides information on claiming reimbursement for caring arrangements, where these are incurred as a result of giving evidence to a hearing.

If you really have no option other than to bring children with you, please could you ensure that they will be accompanied by an adult at all times. If you are involved in the hearing, this means you will need to bring another adult to provide care while you are giving evidence.

Please remember that, for their own safety, children must not be left unattended.

Unfortunately, due to health and safety reasons, staff and witness service volunteers are unable to take responsibility for any children, even for short periods.

Who will be at the hearing?

The chair will ensure that the hearing is conducted fairly, and they have a duty to protect the interests of all people involved in the case including witnesses.

The MPTS tribunal and tribunal members – the tribunal is made up of doctors (medically qualified) and lay people (not medically qualified), who are known as tribunal members. One member of the tribunal will act as the chair. The chair will ensure that the hearing is conducted fairly, and they have a duty to protect the interests of all people involved in the case including witnesses.

Legal assessor – an experienced barrister or solicitor who advises the tribunal on legal issues.

GMC presenting officer – the barrister or solicitor presenting the case against the doctor on behalf of the GMC. The GMC presenting officer will ask a witness questions about their evidence.

Doctor (or doctors) – the person (or people) against whom allegations have been made. In most cases the doctor will be represented by a barrister or solicitor. Occasionally, the doctor will be unrepresented and will present their own case.

Doctor's representative – the person presenting the case or speaking on behalf of the doctor. They will put the doctor's position to the tribunal. They will ask the witness questions about their evidence.

Specialist health or performance adviser – registered medical practitioners who may exceptionally be present at the hearing to advise the tribunal on issues relating either to a doctor's health or to their performance.

Tribunal secretary – a MPTS staff member responsible for the administration of the hearing.

Giving evidence

When you are called to give evidence, a MPTS staff member will take you to the hearing room and show you where to sit.

A staff member will ask you whether you wish to take a religious oath on a holy book of your choosing, or to make an affirmation as to the truth of your evidence. The chairman of the tribunal will then introduce themselves, the rest of the tribunal and other people present at the hearing. When answering questions, you should speak clearly and slowly into the microphone on the desk in front of you so that all parties can hear your evidence and your evidence can be accurately recorded by the digital recording system.

You may not be able to have the witness statement with you when you give evidence, but you can read through it beforehand while you are in the witness room.

Examination and cross-examination

The GMC presenting officer will ask you to confirm your name and that the contents of your witness statement are true.

Your witness statement will normally have been given to the tribunal to read before the hearing. The GMC presenting officer may ask you questions about your witness statement. The doctor or doctor's representative can then ask you more questions. The tribunal can also ask you questions about your witness statement.

While you are giving your evidence, you may be shown other documents referred to by the GMC presenting officer, the doctor or the doctor's representative. Take your time to read each document carefully before answering any questions.

Adjournments

The hearing may have to adjourn from time to time, either for lunch or at the end of each day, if the hearing lasts for more than one day.

The tribunal may also adjourn for a longer period to obtain additional evidence, in case of illness, or because it has overrun the days allotted to it. It is extremely important to note that witnesses must not talk to anyone about the case or about their evidence during any adjournment. This includes anyone who is involved with the case as well as any friends or family. If you do not adhere to this rule, it could have serious repercussions for the outcome of the hearing.

After giving evidence

When you have finished giving evidence, you can choose to leave, or may remain to listen to the rest of the day's proceedings. If you wish to stay, you will be shown to where you can sit.

You will be informed of the outcome of the hearing when it has finished. The timing of this will depend on the length of the hearing, but generally we aim to notify all parties within two weeks of the end of the hearing.

If you do not hear anything, please ask your GMC contact who will be able to advise you on the progress of the case and its outcome if it is known.

At the end of a hearing, the MPTS publishes the outcome of the case on its website at www.mpts-uk.org/decisions. You will also be able to find more information about tribunal and the types of decisions they can make.

Claiming expenses

We will send you details of how to claim for out-of-pocket expenses you may be entitled to for the period of time that you are required to attend in order to give evidence. If you choose to attend the hearing on days you are not giving evidence, this will be at your own expense. Please note that we will pay expenses for GMC witnesses only.

We want to improve the service we provide and welcome any comments you might have following your experience as a witness.

Giving feedback

We want to improve the service we provide and welcome any comments you might have following your experience as a witness. Please let us know what you think by completing a witness feedback form, which is supplied with this booklet or can be downloaded from our website at www.gmc-uk.org/concerns/witnesses.asp.

Useful information

There may be some terms that you are not familiar with. Here is a list of some of them.

Adjournment	a break in the hearing before it has completed its deliberations. The hearing will adjourn for lunch or comfort breaks and at the end of each day, if the case lasts for more than a day. An adjournment may be agreed for additional evidence to be obtained, in case of illness, or if the hearing has overrun.
Allegation	the charge that the fitness to practise of the doctor is impaired.
Chair	the person who manages the medical practitioners tribunal. The chair is also a member of the tribunal, and has responsibility for the fairness of the proceedings.
Condition	a sanction imposed by the medical practitioners tribunal that restricts a doctor's right to practise for a period of time.
Contempt	where a person shows wilful disobedience to, or open disrespect for, a court or hearing. This is a criminal offence and can lead to prosecution.
Cross-examination	being questioned by barristers and the tribunal while giving evidence.
Defence counsel	a barrister who represents the doctor at the hearing.

Determination	the decision of the medical practitioners tribunal on the case.
Erasure	a sanction imposed by the tribunal to remove the name of the doctor from the <i>List of Registered Medical Practitioners</i> . This means the doctor cannot continue to practise medicine.
Evidence	what a witness says at the hearing and documentary evidence that can include photographs that are brought before a hearing.
Expert witness	a witness able to give opinions on any matter falling within their area of expertise on matters considered by the tribunal.
Findings of fact	the tribunal, once it has heard all the evidence, will decide whether the evidence has been proved. This is known as a finding of fact determination.
Finding of impairment	when the tribunal has made findings of fact, they will then consider whether the doctor's fitness to practise is impaired.
Fitness to practise	the ability of the doctor to carry out their medical duties.
Hearing	a meeting of the medical practitioners tribunal appointed to hear a case.
Legal assessor	an experienced solicitor or barrister who advises the tribunal.

List of Registered Medical Practitioners	the medical register of doctors who are eligible to work in the UK.
Mitigation	the doctor's reasons for his or her actions.
No action	the tribunal has reached a conclusion and decided not to take any action against the doctor.
Restriction	a measure that prevents the doctor from carrying out certain functions or activities – for example, the doctor could be prevented from working privately.
Sanction	a decision by the tribunal that either restricts or removes a doctor's right to practise.
Suspension	a sanction imposed by a tribunal that removes the doctor's right to practise for a specified period of time.
Tribunal	a group of tribunal members, comprising at least one medical and one non-medical person, and a chairman.
Undertaking	a commitment given by the doctor to the tribunal to restrict their practice.
Warning	a warning may be issued to a doctor if the tribunal decides there has been a significant departure from the principles set out in the GMC's guidance for doctors – <i>Good medical practice</i> – but a restriction on the doctor's registration is not necessary.

Directions



MPTS hearing centre

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

Open

08.00–18.00 from
Monday to Friday

Metrolink

The closest Metrolink station is
St Peter's Square.

Train

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

Email: gmc@gmc-uk.org

Website: www.gmc-uk.org

Telephone: **0161 923 6602**

General Medical Council, 3 Hardman Street, Manchester M3 3AW

Textphone: **please dial the prefix 18001** then
0161 923 6602 to use the Text Relay service

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

To ask for this publication in Welsh, or in another format or language, please call us on **0161 923 6602** or email us at **publications@gmc-uk.org**.

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