

FTP Panel scheduling over-list procedure

Purpose

1. This over-list procedure for new FTP Panel referrals is intended to maximise efficient usage of our hearing capacity. Achieving this will support the aim of hearing cases as quickly as possible, consistent with sufficient time being allowed to all parties to prepare adequately, including by reference to the service target. Over-listing cases across the London and Manchester hearing centres enables us to fill any gaps that might otherwise arise, for example, by unexpected postponements or adjournments. The benefit of the over-list procedure is that it enables more hearings to run than would otherwise be possible.

Procedure

2. If hearing space in either location is available to schedule a case within service target, it will be scheduled accordingly.
3. If no available space within service target: over-list by up to two hearing rooms in Manchester and by up to one hearing room in London.
4. As a broad rule, no case should be added as an over-list less than two months before the scheduled hearing date e.g. on 1 March no cases should be over-listed for the week commencing 1 May. This rule will be subject to review.

Points of note

5. Prior to the Stage 1 case management telephone conference the Listing Officer will check the hearings calendar against the target listing date to identify: whether or not the case will likely need to be over-listed; and, if so, any possible over-list dates/locations.
6. For longer cases that require over-listing, where possible, these should be matched against other longer cases in the schedule to minimise the number of hearings that might need to be postponed to accommodate them.
7. The general aim is for Notices of hearing to be issued 5-6 weeks in advance of the hearing start date. Notices will be issued for all cases scheduled irregardless of whether an over-list position remains. If necessary, applications to postpone will need to be made in accordance with Rule 29 – see paragraph 12 below.

Monitoring and review

8. Six weeks in advance of the start of each hearing month a member of the Listings team will seek information from the GMC on whether any of the new FTP Panel cases scheduled to commence might be cancelled or otherwise be unlikely to proceed as scheduled e.g. due to new allegations received.
9. Three weeks before the start of a hearing week, if any over-list remains managers in Adjudication will discuss, in liaison with parties as appropriate:
 - a. whether it is possible to flex capacity i.e. to run more than the resourced number of concurrent hearings in Manchester and London to avoid having to seek to postpone all or some over-list cases. It should be noted that resources are limited, and it is not possible to flex capacity to any great degree.
 - b. if it is not possible to flex capacity or if an over-list nevertheless remains in one hearing centre location but not the other, whether there is any scope to move a case from London to Manchester or vice versa.
 - c. if limited hearing room space is available, whether an over-listed case might be reduced in length to match the available space.
 - d. whether it is possible to create non-sitting days in cases scheduled during the period in question to make room for any over-list cases.
 - e. which case or cases should be the subject of an application to postpone, where necessary.
10. If an over-list remains, in reaching a decision on which case or cases to put forward for postponement, the following information may be taken into consideration:
 - a. whether the doctor will attend the hearing and/or is unrepresented.
 - b. whether the case has been previously re-scheduled and, if so, why.
 - c. whether there are any other issues which may result in a postponement request by either party, for example, service issues, new allegations, witness availability.
 - d. the date that the case was received by the GMC.
 - e. the date of the Case Examiner decision to refer the case for a FTP Panel hearing.
 - f. the disruption each option would cause to the hearings schedule.

11. The weighting of the factors set out in paragraph 10 above, and any other factors considered relevant in a particular case, shall be matters to be assessed on the facts of each particular over-list scenario.

Formal postponement

12. If an over-list remains, as the Notice of hearing will have been issued, the matter will need to be referred to an Investigation Committee chairman for a formal postponement decision under Rule 29 of The General Medical Council (Fitness to Practise) Rules 2004. Parties will be provided with an opportunity to make representations on the matter.

13. It cannot be presumed that all applications for postponement on grounds of lack of hearing space and other resources will be accepted, although it is difficult to see how the hearings might proceed if applications are refused, as there will be insufficient resources to run them as scheduled.

Follow up action

14. If an over-listed case is postponed, the Listings team will inform parties of this decision. A postponed case will be accorded priority status i.e. we will aim to re-schedule it to commence within six months of the original hearing date and it will not be postponed a second time in the event of any subsequent over-listing pressures.

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