

GMC/MPTS Liaison Group

Minutes of the Meeting on 21 May 2019

Members present

Dame Clare Marx, Chair
Gavin Brown
Susan Goldsmith
Charlie Massey
Anthony Omo
Paul Reynolds
Neil Roberts
Dame Caroline Swift

Others present

Dale Langford, Committee Secretary
Melanie Wilson, Head of Corporate Governance and Council Secretary

Chair's business (agenda item 1)

1 The Chair welcomed members to the meeting.

Minutes of the meeting on 27 November 2018 (agenda item 2)

- 2 The Group noted that the minutes of the meeting on 27 November 2018 were a true record.
- 3 The Group noted that the actions from previous meetings had been completed.

Report of the Medical Practitioners Tribunal Service Committee (Council 12 June 2019) and report to Parliament (agenda item 3)

- 4 The Group considered the report that will be submitted to Council at its next meeting on 12 June 2019, which included the draft MPTS Committee report to Parliament.
- 5 The Group noted that:
 - a A Tribunal appointment process had just been completed, with Tribunal member appointments offered to 23 medical and 25 legally qualified (technically lay) candidates. The MPTS were happy with the number and quality of candidates.
 - b Following an internal review of MPTS case management, a number of changes are being implemented to minimise delays and the stressful impact they can have on doctors and others involved in hearings and to flatten volumes across the year. The changes include updated criteria, pre-hearing meetings for more cases and additional resources to manage cases.
 - c Attention has been focused on making it less stressful for doctors and witnesses attending a hearing, with clearer information on the new MPTS website.
 - d The MPTS were working with the GMC Fitness to Practise Policy team and GMC Legal colleagues on revising the Sanctions Guidance; this will take some time to complete.
- 6 During the discussion, the Group noted that:
 - a Induction training for Tribunal members did not currently include a separate session on Human Factors, however, they were encouraged to take into account the surrounding circumstances in cases. Further consideration would be given to introducing such a session once the GMC training on human factors has been evaluated.
 - b The MPTS Doctor Contact Service continues to offer support to doctors on the day of a hearing, but there were no plans to increase the resources for the service.
 - c The Chair of the GMC would discuss with the Royal College of General Practitioners on 22 May 2019 the issue of indemnity insurance to ensure that the lack of cover for legal representation in fitness to practise proceedings is understood by doctors joining the new state indemnity scheme in England and Wales.
 - d The GMC would look again at data relating to cases involving sexual assault/indecency, violence or dishonesty to see if the guidance about automatic referral of such cases to a Medical Practitioners Tribunal was a factor in the increase in the volume of referrals.

- e Virtual tours and the opportunity to observe a Tribunal were available for witnesses. It was agreed that the differences between Tribunals and inquests should be highlighted to potential witnesses, particularly to bereaved family members.
- f The draft report to Parliament included appeals data but did not refer to the proposals to remove the GMC's right of appeal. The MPTS would consider whether to include such a reference.

MPTS Executive Manager's Report

7 The Group considered the Executive Manager's report which included the performance data and the Risk Register.

8 The Group note that:

- a The percentage of hearings ending with erasure or suspension in 2018 was 67%, broadly in line with the typical figure of 69% over the previous five years.
- b A risk concerning the retention of Legally Qualified Chairs has been added to the risk register, as so many had been successful in securing substantive judicial roles.
- c The 104% utilisation rate for hearing rooms in December 2018 resulted from Tribunals utilising 16 hearing rooms, when the target was original set on the basis of 15 meeting rooms being used.

9 During the discussion the Group noted:

- a The MPTS explore whether there was any impact on average hearing length of hearings going into private session.
- b MPTS would continue to aim for a diverse pool of Tribunal members, to reflect the overall UK population, with the proportion of hearings without ethnic or gender diversity only 5% across 2017 and 2018.
- c The percentage of MPTS staff completing the GMC staff survey was below average, potentially as a result of questions referring to the GMC rather than MPTS and the role of some MPTS staff within hearings rather than in an office environment.
- d Following the joint training of hearing chairs organised with the Nursing and Midwifery Council in Autumn 2018, a review was being undertaken to assess the added value provided.

Review of the MPTS Operational Framework

10 The Group considered a paper outlining the key findings from the periodic review of the Operational Framework.

11 The Group agreed the revised MPTS Operational Framework.

12 During the discussion the Group noted that:

- a** The proposed changes were intended to reflect the changes to the MPTS structure and to simplify the framework where arrangements for MPTS are the same as for GMC directorates.
- b** The substantive change to the statement of purpose of the MPTS Committee would require Council approval, so a recommendation would be added to the MPTS Committee's report to Council. The proposed change would permit the Committee, in the event that the Chair is absent from a meeting or has to withdraw owing to a conflict of interest, to nominate another member of the Committee to chair the meeting.

***Strategic and policy issues**

13 There were no strategic and policy issues to report.

***Operational issues – Appeals**

14 The Group noted the paper setting out the learning points arising from GMC, Professional Standards Authority and doctor appeals of or challenges to decisions of Tribunals from 1 October 2018 to 31 March 2019.

***Communication and engagement**

15 There were no communication and engagement matters to report.

Any other business

16 There were no other items of business.

Confirmed:

Clare Marx, Chair

27 November 2019