

GMC/MPTS Liaison Group

Minutes of the Meeting on 25 November 2020

Via MS Teams

Members present

Dame Clare Marx, Chair

Gavin Brown

Charlie Massey

Anthony Omo

Neil Roberts

Dame Caroline Swift

Others present

Sunil Kapur, Assistant Director, Quality Assurance and Continual Improvement
(agenda item 5)

Dale Langford, Committee Secretary

Kate Rhule, Corporate Governance Manager (observer)

Chair's business (agenda item 1)

- 1 The Chair welcomed members to the meeting.
- 2 Apologies for absence had been received from Paul Reynolds.

Minutes of the meeting on 17 June 2020 (agenda item 2)

- 3 The Group noted that the minutes of the meeting on 17 June 2020 were a true record.
- 4 The Group noted that the actions from previous meetings marked as 'ongoing' should be amended to 'on hold', as relevant activities were still paused as a result of the COVID-19 response.

Report of the Medical Practitioners Tribunal Service Committee (agenda item 3)

- 5** The Group considered the report that would be submitted to Council at its meeting on 10 December 2020.
- 6** The Group noted that:
- a** The MPTS response to COVID-19 had evolved during the year in line with government restrictions. Most hearings were taking place virtually during the four weeks of the national restrictions in England from 5 November.
 - b** External auditors had carried out a learning review of the virtual hearings process, giving a 'green' risk rating.
 - c** The approach to whether cases would be virtual or face to face is decided based on the needs of those involved in the case.
 - d** The Doctor Contact Service continued to offer pre-hearing support to doctors, particularly those attending hearings alone or without legal representation. Consideration was being given to introducing some form of contact on the day of hearings as well.
- 7** During the discussion, the Group noted that:
- a** MPTS would formally review long-term lessons from virtual hearings later, but the response of those involved had been positive with increased doctor attendance at interim orders tribunals. No issues had arisen relating to any disadvantage for particular sections of the community.
 - b** Interim order tribunals would continue to be run virtually in 2021, and those virtual sessions had become less resource intensive with experience.
 - c** Medical practitioners tribunal review hearings were taking longer in the virtual format, which was being looked into.
 - d** There is no indication that the number of referrals to the MPTS would reduce, and indeed the number of criminal cases paused by the police could create a spike in those case numbers at some point.
- 8** The Group noted the draft report to Council.

MPTS Executive Manager’s Report (agenda item 4)

9 The Group considered the Executive Manager’s report.

10 The Group noted that:

- a** The reduction in year-to-date expenditure was mostly related to the reduction in hearing volumes particularly linked to tribunal members fees.
- b** The 32% reduction in hearing days has resulted in a 19.5% drop in expenditure.
- c** The plan for 2021 is based on an assumption, adopted across the GMC, that social distancing restrictions would be lifted in August 2021. This would enable the utilisation of all the Manchester hearing rooms with 17 concurrent hearings to clear the backlog by early 2023.

11 During the discussion, the Group noted that:

- a** Uncertainty with timings was allowed for by the new quarterly process for New Initiative Fund bids.
- b** If social distancing ends later than August 2021, there may be opportunities to use any spare hearing centre capacity of other regulators, which could be explored further nearer the time.
- c** A number of improvements to case management processes had been put in place during 2018 and 2019, but others were on hold for the time being. However, once a hearing has started and the tribunal is seized of the matter, the case management of the hearing passes to them.
- d** Staff survey results for the MPTS had been very positive, with significant improvements of key scores. Areas for improvement that are being addressed include harassment and bullying and opportunities for career progression.
- e** Future versions of the MPTS Vision would address the changes that legislative reform and the new medical associate professions would bring.

12 The Group noted the Executive Manager’s report.

Review of GMC / MPTS working practices and relationships (agenda item 5)

13 The Group received an oral update on the Review of GMC/MPTS working practices and relationships.

14 The Group noted that:

- a** The review had generated a large number of suggestions from colleagues involved in Fitness to Practise (FtP) and MPTS processes.
- b** One outcome of the review has been a pilot to redirect the limited legal resources to stages of the process where the information can be most effectively used.
- c** The backlog in cases makes it safer to pilot new approaches, as the impact on timescales can be measured without the risk of delaying processes.
- d** The suite of management information that FtP and MPTS produce was being reviewed to collect useful information in the most effective way and focus reporting around identifying failure points.
- e** Savings identified will be looked at in the context of the whole process, with the focus on the full timescale, not interim milestones.

15 During the discussion, the Group noted that:

- a** A paper setting out the findings and recommendations of the review would be circulated to the Group.
- b** The MPTS were grateful to the Continuous Improvement team for their work on the review.

16 The Group noted the oral update.**Meeting schedule and work programme for 2021 (agenda item 6)****17** The Group considered and noted the meeting schedule and work programme for 2021.**Any other business (agenda item 7)****18** The Group noted that:

- a** The paper setting out the learning points arising from appeals (at agenda item 9) did not cover issues identified in the deliberations of the GMC's Section 40A Executive Panel.
- b** Learning points from the Executive Panel were considered by the MPTS Quality Assurance Group, however, the Executive Panel had considered very few cases in the relevant period.

- c The MPTS Executive Manager and the GMC’s Deputy General Counsel would look at the broad range of learning points and produce a discussion paper for the next meeting of the Group.

19 The Chief Executive congratulated the MPTS on the extraordinary work during the pandemic and the efforts of colleagues beyond the call of duty.

20 The Group noted that its next meeting was scheduled for Wednesday 26 May 2021 at 10:00.

***Strategic and policy issues (agenda item 8)**

21 There were no strategic and policy issues to report.

***Operational issues – Appeals (agenda item 9)**

22 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 between 1 April and 30 September 2020.

***Communication and engagement (agenda item 10)**

23 There were no communication and engagement matters to report.

Confirmed:

Clare Marx, Chair

26 May 2021