



Agenda item:	M5
Report title:	Report of the Medical Practitioners Tribunal Service Committee
Report by:	Dame Caroline Swift , Chair of the MPTS, dame.caroline.swift@mpts-uk.org , 0161 240 7115
Considered by:	MPTS Committee GMC/MPTS Liaison Group
Action:	To consider

Executive summary

This report gives an update on the work of the Medical Practitioners Tribunal Service Committee (MPTS) since the last report to Council in December 2016.

Key points to note:

- Dame Caroline Swift took up her post as MPTS Chair on 1 January 2017.
- Her priorities for the year include reducing delays in tribunal hearings, maintaining and promoting the reputation of the MPTS as a body making independent decisions and building on the good work being done to assist self-represented and vulnerable doctors to navigate the hearings.
- The MPTS budget for 2017 is £9.4m, reduced from £10.6m in 2016.
- A recruitment campaign is underway for legally qualified tribunal members, who will sit in hearings as both legally qualified chairs and legal assessors.
- The final draft of the MPTS's first annual report to Parliament is attached for Council's information. A designed version of the report is being prepared.

Recommendations

- a Council is asked to consider the Report of the Medical Practitioners Tribunal Service Committee.
- b Council is asked to note the MPTS annual report to Parliament.

Committee update

- 1 This is the Medical Practitioners Tribunal Service (MPTS) Committee's first biannual Report of 2017, and its first since Dame Caroline Swift took up her post as Chair of the MPTS on 1 January 2017.
- 2 The MPTS Committee met on 8 February 2017, when it considered the MPTS work programme for 2017, and an update on changes to our quality assurance processes. The Committee also met on 3 May 2017 and considered the issues of adjournments, and joint-working with other regulators.
- 3 Since taking up her post at the start of the year, Dame Caroline Swift has taken opportunities to talk to MPTS Committee members, MPTS staff and external stakeholders about her priorities for her first year including:
 - a Reducing unnecessary delays and the number of hearings that adjourn part-heard, through robust pre-hearing case management and pre-reading of bundles.
 - b Restructuring our published decisions to make them easier for doctors and the public to understand.
 - c Building on previous good work to improve the experiences of self-represented doctors, both before and during a hearing.
 - d Maintaining and promoting the MPTS's reputation as a body making independent decisions.
- 4 The Assistant Director, MPTS post is currently filled on an interim basis by Lyndy Geddes until July 2017. The permanent role will be advertised externally in the next few weeks with a view to being filled by the end of July 2017.

Resources

- 5 Our budget for 2017 is £9.4m, a reduction from £10.6m in 2016. This reduction can be attributed to the significant savings made by the various Section 60 changes (e.g. reviews on the papers, legally qualified chairs, a reduction in the number of doctors being referred to our interim orders tribunals, and a reduction in the forecast number of hearing days).
- 6 We continue consistently to meet our service targets to begin hearings on time, but far too many hearings adjourn part-heard. An MPTS Adjournments Working Group has been established to review and monitor the volume of and reasons for adjournments. The Group will make recommendations on how we can reduce the likelihood and impact of adjournments.
- 7 To reduce the amount of hearing time needed for the reading of case papers, parties in some types of hearing are now required to provide bundles of documentary

evidence which are sent out to tribunal members in advance. It is hoped that this will gradually be extended to all hearing types. Tribunal members will be paid a pre-reading fee, which we believe will be a more efficient use of resources.

Hearing outcomes

- 8** Hearing outcomes for the previous two calendar years and the first quarter of 2017 are provided at [Annex A](#).
- 9** 48 doctors appeared at new medical practitioners tribunal hearings in January – March 2017. 35% of those doctors had their name erased from the medical register, 33% were suspended and one doctor was given conditions. 19% were found not impaired and a further 8% found not impaired but issued with a warning. In one hearing, the tribunal decided no action was necessary after a finding of impairment.
- 10** These figures are broadly consistent with outcomes in the previous two calendar years.
- 11** In 2016, 229 doctors appeared at new medical practitioners tribunal hearings. 30% of those doctors had their name erased from the medical register, 41% were suspended and 7% given conditions. 15% were found not impaired and a further 5% found not impaired but issued with a warning. In the remaining 2% of hearings, the tribunal granted an application for voluntary erasure, or decided no action was necessary after a finding of impairment.
- 12** In 2015, 238 doctors appeared before new fitness to practise panels (as they were then called). 30% were erased, 39% suspended and 10% given conditions. 16% were found not impaired, with a further 3% found not impaired but issued with a warning. In the remaining 2% of hearings, either, the doctor agreed undertakings with the GMC, the tribunal granted an application for voluntary erasure, or the tribunal decided no action was necessary after a finding of impairment.
- 13** There has been a clear reduction in the number of doctors referred to the MPTS for interim orders tribunal hearings in 2016. 339 doctors appeared at new Interim Order Tribunals (IOT) hearings in 2016, compared to 522 in 2015. That reduction has continued in 2017, with 74 doctors appearing at new IOT hearings in January – March 2017.
- 14** Since the start of 2016, the MPTS has had powers to hold a new type of hearing for doctors accused of non-compliance with a request to undergo an assessment or provide information. Seven non-compliance hearings were held in 2016, and only one on the first quarter of 2017.
- 15** The MPTS hold restoration hearings for doctors who wish to have their name restored to the medical register. A doctor whose name has been erased from the medical

register by a medical practitioners tribunal has the right to apply for restoration after five years.

- 16** Four doctors were granted restoration in January – March 2017, and two refused. This compares to six doctors granted restoration and nine refused in the whole of 2016 and three granted restoration and twelve refused in the whole of 2015.

Tribunal member recruitment and diversity

- 17** In early 2017 we carried out a recruitment campaign for legally qualified individuals to act as legally qualified chairs and legal assessors. The appointment process is ongoing, and we will report to Council later in the year on the number of appointments made, including information on diversity.
- 18** As of May 2017, the MPTS has 270 tribunal members (119 lay, 151 medical) of whom 47% are female and 21% identify as Black and Minority Ethnic (BME). This compares favourably with the most recently published figures for UK courts (28% female and 5% BME) and UK tribunals (45% female and 12% BME).
(Source: <https://www.judiciary.gov.uk/publications/judicial-statistics-2016>)

Quality assurance

- 19** The Quality Assurance Group (QAG) meets monthly to review a proportion of the written determinations produced by our tribunals including those determinations which are subject to appeals or learning points from the Professional Standards Authority.
- 20** The purpose of these reviews is to ensure that our determinations are clear, well-reasoned and compliant with the relevant case law and guidance and to identify any issues which could usefully be incorporated into future tribunal training sessions.
- 21** To use MPTS staff time more efficiently, we have reduced the proportion of decisions that are reviewed each month, as we believe we can safely do so while maintaining the overall quality of decision-making.
- 22** Learning points will continue to be shared with tribunal members, medical defence organisations, and published online. Any issues identified will continue to form part of tribunal members' annual training.

External engagement

- 23** In her first few months as MPTS Chair, Dame Caroline Swift has prioritised meeting those directly concerned with how our tribunal service operates, to introduce herself and discuss her priorities for the year. Dame Caroline has also met with the Professional Standards Authority (PSA) and attended a Conference run by the PSA and is due to attend a meeting with the British Medical Association in May 2017.

- 24** She has met with senior representatives of the three largest medical defence organisations (Medical Defence Union, Medical Protection Society, Medical and Dental Union Scotland).
- 25** A User Group meeting was held in April 2017, attended by medical defence organisations, legal firms that regularly represent doctors, and representatives of the GMC's Fitness to Practise Directorate and GMC Legal. Topics discussed included paperless hearings, video conferencing facilities and updates to the Sanctions guidance.
- 26** In May 2017, Dame Caroline spoke at meetings of the GMC's Black and Minority Ethnic Forum and the GMC's Counsel Forum.

MPTS annual report to Parliament

- 27** The MPTS is required by statute to submit an annual report to Parliament. This includes information on the nature and volume of cases referred to the MPTS, on the exercise of MPTS functions including a description of the arrangements that the MPTS has put in place to ensure that it adheres to good practice in relation to equality and diversity, and on learning points identified and actions taken to address these.
- 28** The text of the final draft report is at [Annex B](#) for Council's information. The report will be laid before Parliament in the summer of 2017.

5 – Report of the Medical Practitioners Tribunal Service Committee

M5 – Annex A

Hearing outcomes January – March 2017

New case hearing outcomes	2015	2016	Q1 2017
Impaired: Erasure	72	70	17
Impaired: Suspension	94	93	16
Impaired: Conditions	24	17	1
Impaired: No action	2	2	1
Not impaired: warning	6	11	4
Not impaired	38	34	9
Voluntary erasure	1	2	0
Undertakings	1	0	0
Total	238	229	48

Non-compliance hearing outcomes	2015	2016	Q1 2017
Suspension	-	2	1
Conditions	-	5	0

Total	-	7	1
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Restoration hearing outcomes	2015	2016	Q1 2017
Application granted	3	6	4
Application refused	12	9	2
Total	15	15	6

Interim orders

New interim orders tribunal hearing outcomes	2015	2016	Q1 2017
Suspension	49	58	13
Conditions	359	233	49
No action	114	48	12
Total	522	339	74

Review hearings

	2015	2016	Q1 2017
Medical practitioners tribunal review	157	171	48
Medical practitioners tribunal review on the papers	-	4	2
Interim orders tribunal review	1445	860	159
Interim orders tribunal review on the papers	-	277	72
Total	1602	1312	281