

5 May 2015

**GMC/MPTS Liaison Group**

**General  
Medical  
Council**

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*To note*

## **Minutes of the meeting on 24 November 2014**

### **Members present**

Peter Rubin, Chair

Paul Buckley  
Susan Goldsmith  
Howard Matthews

Anthony Omo  
David Pearl  
Neil Roberts

### **Others present**

Terence Stephenson, Chair Designate  
Patricia Morrissey, Group Secretary

## **Chair's business**

- 1** Apologies for absence were noted from Niall Dickson.
- 2** The Chair welcomed Susan Goldsmith who had taken over as executive lead for the Group.

## **Minutes of the meeting on 11 February 2014**

- 3** The Group noted for the record that the minutes of the meeting on 11 February 2014 had been approved, on circulation, by the Group as a true record following the February meeting.

## **Matters arising**

- 4** The Group noted that:
  - a** The audit of Interim Orders Panel (IOP) determinations, which had been agreed at the Group's meeting on 11 February 2014, had not yet been undertaken pending agreement on the final arrangements for the audit, including securing the services of a credible and independent external provider.
  - b** The research to be commissioned on IOP determinations, which had been agreed at the Group's meeting on 11 November 2013, had not yet been undertaken as the linkages between the research project and the planned audit were still being explored. It was expected that the research proposal would be informed by the findings of the audit.
- 5** It was agreed that while the two pieces of work were clearly linked they were two separate projects, either of which should be commissioned to provide further external assurance that our adjudication processes are fair. The Chief Operating Officer and the Tribunal Clerk would take forward the arrangements for providing further external assurance that our adjudication processes are fair.

## **Draft Report of the Chair of the Medical Practitioners Tribunal Service**

- 6** The Group considered the draft report of the Chair of the MPTS, noting the summary on the performance of the MPTS during the previous reporting period, and the work of the MPTS Advisory Committee.
- 7** The Group approved the report at Annex A of the paper for consideration by Council at its meeting on 10 December 2014.
- 8** During discussion, the Group noted that:

- a** The reference to increased hearing capacity at paragraph 32 referred to the increase in the number of hearings/hearing days, not a physical increase to our hearing facilities.
- b** At its meeting on 10 December 2014 Council would receive an oral update on the current medical panellist recruitment campaign. The initial assessment stage indicated that some applicants had failed to address the requirements of the competency based application form, which had been designed to explicitly gather evidence of the competencies required for the role. While it seemed that a competency based application process might be more amenable to lay candidates, given their experience of similar roles, our appointment processes had been designed to treat all candidates fairly. As was the case for all our appointment activities, a quality assurance process would be conducted through all parts of the application process to ensure that our processes are fair. A review had already been planned by the Panellist Development Team to identify any further developments to our appointment processes to ensure that the processes for appointing panellists are effective and fair to all applicants.

### **MPTS business plan and budget 2015**

- 9** The Group considered the draft MPTS business plan and budget for 2015.
- 10** During discussion, the Group noted that:
  - a** The MPTS growth bids requested were mainly associated with the expected Adjudication S60 Order and associated Rule changes, and that the resources required could increase further as we continue to work through the detailed programme of work required to implement the changes.
  - b** The timetable for the S60 changes remained very challenging and there was a risk that the Parliamentary timetable would not be met. Efforts to manage the risk would continue to be made through our on-going senior level discussions with the Department of Health.
- 11** The GMC business plan and budget, of which the MPTS was a part, would be considered by Council on 10 December 2014.

### **MPTS Risk Register**

- 12** The Group considered the MPTS Risk Register and noted the changes to the register made since the Group's last meeting.
- 13** The Group noted that:

- a** The audit/research of IOP determinations would be added as another mitigating action under risk two – *Ensure the reputation of the MPTS is established and enhanced* as per the minutes of the meeting held on 14 February 2014.
- b** The availability of medical panellists for longer hearings had recently become an issue in one case, resulting in the postponement of a hearing, and could potentially become an issue in the longer term. Medical panellists with availability for longer hearings were often doctors nearing the end of their medical careers and were potentially within a cohort of doctors without a route for revalidation. It was agreed that we should reconsider the requirement for medical panellists to have a licence to practise based on their role as panellists, which was acknowledged was not to provide specialty knowledge. Any change to the requirement for a licence to practise would require legislative change and would be added to our list of proposed future amendments to the Medical Act, as required.

### **2015 Adjudication Section 60 Order changes**

- 14** The Group received an update on our work to take forward the changes to our adjudication processes arising from the Department of Health S60 Order.
- 15** The Group noted the issues being progressed with the Department of Health, and the steps that were being taken, and the structures put in place to move towards implementation of the Order.
- 16** During discussion, the Group noted that:
  - a** We should continue to maintain pressure to ensure delivery of the S60 changes required to reform our adjudication service and enhance our ability to protect the public.
  - b** We had not yet seen the Department's response to the consultation but feedback indicated that consultation respondents had not responded favourably to the idea of removing legal presence from hearings. It seemed that the alternative would be to allow for the presence of a legal assessor or a legally qualified Chair at all hearings. It was anticipated that even with this revision, benefits could still be realised in terms of fees payable and in speeding up hearings.
  - c** We had already received feedback against the proposed costs regime.

### **Meeting schedule and work programme for 2015**

- 17** The Group considered and noted its proposed work programme and schedule of meeting dates for 2015. The Group would continue to meet twice each year with the proviso that the Chair could, in light of the work programme, decide to hold additional meetings.

**18** During the discussion, the Group noted the effective working relationship between the MPTS and the functions of the GMC with which it interacts. The Group's light and straightforward agendas reflected that issues were being solved in a pragmatic way without the need for escalation to the Group. While the meetings were short in duration, this was seen as a mark of the success of the relationship rather than a cause for concern.

### **Any other business**

**19** The Group noted that its next meeting would take place on 13 May 2015.

### **Strategic and policy issues**

**20** There were no strategic or policy issues raised.

### **Operational issues**

**21** The Group noted the report of the post-implementation review of the MPTS which provided assurance on the successful delivery of a separate adjudication function.

### **Communication and engagement**

**22** There were no communication and engagement matters to report.

Confirmed:

Professor Sir Peter Rubin, Chair

Approved on circulation