To approve

Minutes of the meeting held on 26 May 2021, via MS Teams

Members present
Dame Clare Marx, Chair
Gavin Brown
Charlie Massey
Anthony Omo
Neil Roberts
Dame Caroline Swift

Others present
Kate Rhule, Committee Secretary
Chair’s business (agenda item 1)
1 The Chair welcomed members to the meeting.
2 Apologies for absence have been received from Paul Reynolds.

Minutes of the meeting on 25 November 2020 (agenda item 2)
3 The Group noted that the minutes of the meeting on 25 November 2020 were a true record.
4 The Group reviewed actions arising from subsequent meetings and their status.
5 The Group noted in relation to actions from the previous meeting that they had not received a further update from the Review of GMC/MPTS working practices and relationships. The Group agreed that an update would be provided for the November meeting.
6 The Group noted that a review of the Sanctions Guidance was currently on hold in light of the regulatory reform programme and agreed updates will be provided once the work is recommenced.

Report of the Medical Practitioners Tribunal Service Committee (for Council on 9 June 2021) and report to Parliament (agenda item 3)
7 The Group considered the report that would be submitted to Council at its meeting on 9 June 2021 and to Parliament.
8 The Group noted that:
   a The Chair congratulated the MPTS on the organisation’s successful transition to virtual hearings which has ensured that some hearings have still been able to take place.
   b As the MPTS continues to implement a pandemic recovery plan, more hearings were carried out in Q1 2021 than in the corresponding period of the previous two years.
9 During the discussion, the Group noted that:
   a It is unclear what impact virtual hearings have had on unrepresented doctors and other vulnerable doctor groups, the MPTS sought to ensure that doctors were still supported through the doctors’ service virtually though some other forms of support previously in place have not been possible.
b Anecdotally, more doctors have attended interim orders at virtual hearings. The intention is for interim order tribunals to continue to take place virtually until the end of 2021.

c Medical Defence Organisations (MDOs) have provided positive feedback about virtual hearings. Once in-person hearings are possible, doctors will be offered a choice between in-person and virtual.

d It will be important to monitor the outcomes of virtual hearings in relation to unrepresented doctors and other vulnerable doctor groups.

e The MPTS will be carrying out a review of virtual hearings to determine the lessons learnt from their implementation and a strategy for the future.

10 The Group noted the draft report to Council and report to Parliament.

MPTS Executive Manager’s Report (agenda item 4)

11 The Group considered the Executive Manager’s report.

12 The Group noted that:

a The MPTS has recently undertaken a staffing restructure to increase capacity to enable the delivery of their pandemic recovery plan.

b Different options were considered as part of a bid for additional funding which was successful. One option was to considerably increase capacity to bring forward the ability to undertake hearings at pre-pandemic levels to mid-2022, as opposed to early 2023. This option would require a large amount of additional expense and resources with no guarantee of success, and was therefore decided against.

c Themes and issues are identified from adjourned hearings. A tribunal circular was developed in February 2021 to address the issues identified which included learning on time keeping and witness availability.

13 During the discussion, the Group noted that:

a It would be beneficial to track some further measures related to adjournments including average in camera time and the average time for relisting. Currently relistings are prioritised in the hearings calendar.
b The approach to addressing the backlog of cases will be of interest to the PSA and should be discussed with them.

c The diversity of tribunal members currently compares against the diversity of the general population which has been the measure used to date. The intention is to continue to increase the diversity of tribunal panels, in line with the GMC and MPTS’s ambitions on the ED&I agenda. A key factor will be increasing the diversity of the pool of tribunal members. Currently, a three-person panel is empanelled according to availability and to ensure non-bias.

d The Group agreed that it would be useful to bring the quarterly report on adjournments which is provided to the MPTS Committee to future meetings.

14 The Group noted the Executive Manager’s report.

Key updates/presentations (agenda item 5)
15 There were no key updates or presentations.

Any other business (agenda item 6)
16 The Group noted that its next meeting was scheduled for 25 November 2021.

Strategic and policy issues (agenda item 7)
17 There were no strategic and policy issues to report.

Operational issues - Update on Appeals (agenda item 8)
18 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 October 2020 and 31 March 2021.

Communication and engagement (below the line)
19 There were no communication and engagement issues to report.

Confirmed:

Clare Marx, Chair 8 December 2021