

GMC/MPTS Liaison Group

Draft as on 5 March 2018

Minutes of the Meeting on 4 December 2017

Members present

Terence Stephenson, Chair

Gavin Brown
Paul Buckley
Susan Goldsmith
Charlie Massey

Neil Roberts
Dame Caroline Swift

Others present

Stephanie McNamara, Assistant Director, Strategy and Communication (for item 10)

Patricia Morrissey, Interim Head of Governance (up to item 4)

Clare Rayner, Group Secretary

Chair's business

- 1 The Chair welcomed members to the meeting, and in particular Gavin Brown who was in attendance for the first time since taking up his appointment as Executive Manager, MPTS, on 11 September 2017.
- 2 The Group noted that apologies for absence had been received from Anthony Omo.

Minutes of the meeting on 16 May 2017

- 3 The Group approved the minutes of the meeting on 16 May 2017 as a true record.

Matters arising

- 4 The Chair referred to the actions spreadsheet which was distributed with the papers. The Group noted that a number of items raised at the previous meeting had been considered either by MPTS or GMC management and responses provided had been included in the log.
- 5 With reference to paragraph 6, the Group noted that communications on the limitations of Crown Indemnity insurance would be considered under the Communication and engagement item.
- 6 With reference to paragraph 10 (c), the Group discussed the percentage of self-represented doctors at tribunals and the percentage of doctors who did not attend tribunals and agreed it would be useful to consider conducting research into the reasons doctors did not attend tribunals.
- 7 With reference to paragraph 10 (h), the Group noted that work was ongoing to finalise the peer review on the external research into both GMC investigations and MPTS hearing outcomes. The Group noted a further update on progress would be provided in due course.
- 8 With reference to paragraph 26, the Group noted an oral update from MPTS on ongoing discussions with other regulators in relation to collaborative working and agreed the approach going forward.
- 9 With reference to the paragraph 18 (a) of the minutes of 5 December 2016, Paul Buckley provided an oral update on the action to develop an agreed descriptor of the MPTS, to reflect its role as a statutory committee of the GMC Council not a separate organisation, for inclusion in the next Corporate Strategy.
- 10 The Group agreed that:

- a** Consideration should be given to developing two agreed descriptors of the function of the MPTS; one for formal use where required, such as the GMC's Corporate Strategy, and another informal descriptor to articulate the function of the MPTS in plain English for use in informal communications.
- b** Draft wording would be shared with MPTS prior to external publication.

Update of the MPTS Operational Framework

- 11** The Group considered and approved the proposed amendments to the MPTS Operational Framework:
- a** To reflect a number of changes to the GMC's governance structure and the MPTS's structure during 2017.
 - b** In preparation for forthcoming changes in January 2018.
 - c** To correct a small number of minor typographical amendments.
- 12** The Group noted that the MPTS Operational Framework was now reviewed biennially and would be reviewed during 2018.

Draft report of the Medical Practitioners Tribunal Service Committee

- 13** The Group considered the draft report of the MPTS Committee, noting the summary of performance of the MPTS since 7 June 2017 and the work of the MPTS Committee.
- 14** The Group approved the draft report to Council for consideration at the Council meeting on 12 December 2017.
- 15** During discussion, the Group noted:
- a** The first MPTS annual report was laid before Parliament in July 2017.
 - b** Council would be asked to agree the MPTS budget for 2018 as £8.5m, reduced from £9.4m in 2017.
 - c** The appointment and training of 72 legally qualified individuals to sit as tribunal chairs and legal assessors. It was noted that the impact would be monitored going forward.
 - d** Improved diversity of tribunal members as a result of these appointments and ongoing unconscious bias training for tribunal members.

- e MPTS would continue to consider learnings from successful appeals against MPTS tribunal decisions.
 - f Ongoing development of initiatives by MPTS colleagues to reduce the number of cases which had to be adjourned part-heard where possible, including: liaison with the GMC on forthcoming casework to more accurately forecast the number of days required for each tribunal and requiring parties to submit evidence bundles for pre-reading by tribunals.
 - g The priorities of the MPTS Committee during 2017.
 - h The assistance provided to self-represented doctors and plans to continue to review feedback from self-represented doctors when further developing this work in 2018.
 - i The Judicial Review proceedings issued by the BMA in relation to MPTS's introduction of Legally Qualified Chairs would take place on 14 December 2017.
- 16** The Chair of MPTS and MPTS management were commended on activities in 2017 including: the formation of the Adjournment Working Group, the pilot project on publishing outcomes in plain English, the proposed reduction in budget and the appointment of 72 legally qualified individuals as tribunal chairs, members and assessors.
- 17** The Group agreed further consideration was required on how to communicate to registrants, using the data available in the MPTS report, the percentage of doctors who received a condition, or no further action, following an interim order tribunal, rather than suspension.

MPTS Draft Business Plan and budget 2018

- 18** The Group considered the draft MPTS business plan and budget for 2018.
- 19** During discussion, the Group noted:
- a Proposed draft MPTS budget of £8,532,570 for 2018.
 - b Reasons for the increase in budget for the Office of the Chair.
 - c The Executive Manager, MPTS managers and the MPTS Management Accountant had worked through forecasts of 2018 hearing activity with colleagues from the Fitness to Practise Directorate to ascertain the required resources for the year. The draft budget had been subject to further scrutiny in the overall GMC budget setting process.

- d** Plans in train to use MPTS data to better understand MPTS performance, identify trends and drive improvements, particularly around Siebel.
 - e** A predicted reduction in MPTS hearing days would result in a cost saving of £306,000. However, this saving was partially offset by a Growth bid for three additional FTE Level 4 Tribunal Clerks.
 - f** The completion of recruitment, induction and training of the new Legally Qualified Chairs has now been completed.
 - g** A Growth bid has been submitted for a joint training project with the Nursing and Midwifery Council.
 - h** Efforts to achieve the hearing room utilisation target of 80% more frequently, including plans to reconfigure the MPTS' floor plan to make some rooms multi-purpose. The Group noted that sometimes hearing room utilisation was over 80%.
 - i** Scheduled training on forthcoming changes to data protection regulations in 2018.
 - j** The GMC Business Plan and Budget, of which the MPTS was a part, would be considered by Council on 12 December 2017.
- 20** During discussion, the Group agreed to further consider whether resource or support was required to analyse the data available to estimate the rooms required for hearings and the anticipated length of hearings.

MPTS Performance dashboard

- 21** The Group considered the MPTS performance dashboard which had been considered by the MPTS Committee and issued to the Group to provide more detailed level of assurance on the status of MPTS operational work and associated performance and service targets.
- 22** During discussion, the Group noted:
- a** Feedback from the May 2017 GMC/MPTS Liaison Group meeting on the format of the dashboard would be incorporated in the plans for further development of the dashboard.
 - b** The Risk Register had not been incorporated into the dashboard going forward pending review of the dashboard and risk register by MPTS.
 - c** MPTS were considering reviewing the terminology used for adjournments.

- d Plans to review the dashboard to ensure that it did not include measures which were outside the control of MPTS management. This would include consideration of the KPIs relating to commencement of interim order tribunal hearings within three weeks of referral and commencement of MPT hearings within nine months of referral.

MPTS Risk management

23 The Group considered the update on Risk management at MPTS and the revised Risk Register and noted:

- a The MPTS Risk Register was reviewed and updated by the MPTS Executive Manager in November 2017 following the MPTS Committee meeting on 1 November 2017.
- b The revised Risk Register had been simplified and consolidated and would be further developed going forward and reviewed for consistency; MPTS management intended to take a more dynamic approach on risks resulting from projects and shorter term threats.
- c In early 2018, MPTS staff would receive training on tools and processes for identifying and managing risk and would further review the Risk Register following this training.
- d Following a review, the MPTS Committee had concluded that the impact of revalidation requirements on the number of medical members of tribunals was not a risk that needed to be reported on or mitigated. Communications surrounding Medical tribunal members' revalidation process would be reviewed.

Strategic and policy issues - Update on public consultations

- 24** The Group discussed the development of the GMC response to *the Promoting professionalism, reforming regulation* Department of Health Consultation paper which would be discussed with Council on 11 December 2017.
- 25** The Group discussed the GMC's proposed response to the consultation on regulation of medical associate professions in the UK and made suggestions for consideration.
- 26** The Group agreed to share the final responses to both consultations with MPTS.

Communication and engagement: Indemnity insurance – communications opportunities in 2018

- 27** The GMC/MPTS Liaison Group considered a communications report and presentation on opportunities to raise awareness of the limitations of the cover afforded by Crown Indemnity Insurance to registrants which outlined the GMC's current guidance, recent developments, current communication touch-points and opportunities for 2018.
- 28** The Group noted:
- a** That Jeremy Hunt, Secretary of State for Health, had announced on 12 October 2017, that the Government would introduce a state backed indemnity scheme for GPs in England.
 - b** Opportunities to highlight key messages at Welcome to UK practice sessions, ID checks and Regional Liaison Service sessions.
 - c** Ongoing work with stakeholders with a key role in advising doctors on indemnity.
- 29** The Group suggested that:
- a** Case study examples could be included to exemplify the limitations of the cover provided.
 - b** Working with the Department of Health on communications on a state backed indemnity scheme for GPs provided an opportunity to review the clarity, tone and content of the communications currently available.

Operational issues – Appeals

- 30** As the High Court had commenced handing down judgments on GMC appeals of MPTS tribunal decisions, the Group agreed to consider the appropriate format for reporting and discussion of Appeals at the GMC/MPTS Liaison Group meetings going forward. The Group noted that reports on appeals by the Professional Standards Authority and doctors would continue to be considered and were included in the MPTS dashboard.

Forward work programme 2018

- 31** The Group considered and approved its proposed work programme and schedule of meeting dates for 2018.
- 32** During discussion it was noted that the item on research on tribunal outcomes and a doctor's protected characteristics might need to be considered by the Group ahead of their next meeting on 15 May 2018. It was agreed that Paul Buckley and Gavin Brown would liaise to consider appropriate next steps.

- 33** The Group considered and approved proposed changes to the GMC/MPTS Statement of Purpose to reflect the introduction of a new directorate in the GMC and the introduction of a new post of Executive Manager, MPTS, replacing the previous Assistant Director post.

Any other business

- 34** It was noted that the next meeting would take place on 15 May 2018 in Manchester.

Confirmed:

Terence Stephenson, Chair