

Appendix 2

	Medical Practitioners Tribunal Service (MPTS)	The Health and Care Professions Tribunal Service (HCPTS)
Relationship between Tribunal and parent body	<ul style="list-style-type: none"> The MPTS is a statutory committee of the GMC and is accountable to the GMC Council and the UK Parliament. Independent in decision making; the MPTS operates separately from the investigatory role of the GMC. The MPTS works in dedicated facilities separate from the GMC. 	<ul style="list-style-type: none"> The HCPTS is the fitness to practise adjudication service of the Health and Care Professions Council (HCPC) and is part of the HCPC The HCPTS works in dedicated facilities separate from the HCPC.
Governance and management structure	<ul style="list-style-type: none"> The tribunal service is overseen by the MPTS Committee and its role is defined by legislation The Chair of the Committee is also Chair of the MPTS and is accountable to the GMC through the Chair of the GMC's Council. Is required to report to Council twice a year MPTS is managed day-to-day by an Executive Manager, with direction from the Chair for operational management. He is accountable to the GMC's Chief Operating Officer for effective use of resources In addition to reporting to the GMC, the MPTS is also required by statute to submit an annual report to Parliament, via the Privy Council. There is a GMC and MPTS Liaison Group. It supports the delivery of the hearing service and makes sure working arrangements operate effectively. It gives assurance to Council that the MPTS is delivering against its objectives. 	<ul style="list-style-type: none"> HCPTS is managed by the Executive Director of Regulation who manages Head of FTP, Head of Education and Head of Tribunal Services. Additionally, the tribunal service has a Tribunal Advisory Committee (TAC) which is a non-statutory committee of the HCPC, comprised of 6 six members; 3 of the Tribunal's Panel Chairs and 3 members who are independent of the Tribunal. The TAC reports directly to the HCPC Council.
Legal status	<ul style="list-style-type: none"> The MPTS is a Statutory Committee made up of 5 members, 2 of whom are medically qualified. 2 committee members are also tribunal members. The Committee is not legally separate from the GMC. 	<ul style="list-style-type: none"> Neither HCPTS nor the TAC are legally separate from the HCPC.
Role of Committee	<p>The MPTS committee's responsibilities include:</p> <ul style="list-style-type: none"> Providing a hearings service that separate from the investigatory role of the GMC. It oversees the delivery of the hearing service for doctors. It ensures the service meets its responsibilities under the Medical Act. 	<ul style="list-style-type: none"> The TAC's main role is to advise the Council on the recruitment, training and assessment of Tribunal panellists, panel chairs and legal assessors

	<ul style="list-style-type: none"> • The appointment of, training and assessment of tribunal members, legal assessors and case managers. • Ensuring high quality standards of decision-making by medical practitioners tribunals and interim order tribunals are maintained • Ensuring high quality standards of case management by case managers are maintained • The setting and maintenance of guidance for MPTS tribunals, case managers, and legal assessors, as required. 	<ul style="list-style-type: none"> • The TAC is also responsible for providing guidance to the Tribunal on practice and procedure. An important part of that function is issuing Practice Notes.
Funding	<ul style="list-style-type: none"> • MPTS has an operationally separate budget but this comes from GMC funding. • Reports are made to the GMC Finance Committee. 	<ul style="list-style-type: none"> • HCPTS budget is part of the FTP department budget.
Power of Appeal	<ul style="list-style-type: none"> • The GMC currently has right of appeal against Tribunal's decisions (under review) 	<ul style="list-style-type: none"> • The HCPC has no right of appeal against HCPTS decisions.
Benefits (as described by the GMC/HCPC)	<ul style="list-style-type: none"> • Provides a hearing service to the GMC that is efficient, effective and has the perception of independence from the investigatory role of the Standards and FtP Directorate within the GMC • Increases public confidence in the adjudication process • Removed tensions there had been in the old process when the Head of Adjudication and Head of Investigation had both reported to the Director of FtP. 	<ul style="list-style-type: none"> • Distinct identity of the HCPTS emphasises that hearings are conducted and managed by independent Panels which are at arm's length from the HCPC. • Provides a greater degree of transparent independence and ensures that there are sufficient guarantees to exclude any legitimate doubt about impartiality
Limitations	<ul style="list-style-type: none"> • Did take a long time to disentangle the two organisations – requires resources and commitment. 	<ul style="list-style-type: none"> • TAC is non-statutory, does not have its own rules, is only advisory and has 'struggled with the role' • The Executive Director of Regulation is responsible for both FTP and Tribunal Services • Sanctions Guidance still belongs to the HCPC whereas at the MPTS it is a joint GMC/MPTS document and carries both logos • HCPTS still has responsibility for an Investigating Committee.