

Health Professions Final Fitness to Practise (FtP) Adjudication

Additional information

In agreeing its strategy, the OHPA Board determined that there should be a smooth transition of adjudication from the GMC to OHPA. To facilitate this it sought to adapt the existing GMC rules with sufficient amendments to signal the direction of future travel intended by the establishment of OHPA, but without substantial change. At the same time, the Board also wanted to share its emerging thoughts on future policy ambitions that would result in more significant changes at a later date.

Adaptations proposed to the existing GMC rules were as follows;

1. The substitution of panel members where a panel becomes inquorate in order to maintain the continuity of the hearing, by re-starting at the last decision supported by reasons (assuming the consent of both parties).
2. Following a referral to OHPA the Case Manager could be specifically empowered to make the following directions: for the referring regulator to specify the number of particulars considered, to seek agreement as to the preferred manner of disposal of the case, to require the disclosure of any documentary evidence on which either party intended to rely, and to require expert witnesses to disclose their report and meet for the purpose of agreeing matters.
3. Reading the allegation and the alleged facts upon which it is based at the commencement of a panel hearing can utilise a significant period of time. OHPA proposed to remove this requirement and rely upon the practitioner to confirm they had received notification in advance of the allegation and alleged facts. In the absence of the practitioner, the Presenting Officer would fulfil this requirement.
4. OHPA was keen to avoid unnecessary delay and formality through more flexible ways of working with:
 - a. The ability for a panel to proceed to a determination on papers in the confirmed absence of the parties from the hearing. (The addition of determination on paper, including the potential to agree a preferred manner of disposal, might have paved the way for the wider use of Consent Orders.)
 - b. A broadened opportunity for the referring regulator to withdraw particulars or reference.
 - c. The panel to be able to deliver their decision orally to the parties at the end of the hearing, with the written copy served by OHPA as soon as reasonably practicable after the hearing.
 - d. A clearer discretion to the Panel in relation to circumstances in which it could decide to hold the hearing in private.