Introducing new documents, issues or important points risks the Panel having to adjourn, thereby delaying the conclusion of the case.

1. The regulations for the Committee on Fitness to Practise (FTP) requires that all papers submitted by the School must be supplied in advance (i) to the Panel, enabling the members to study the papers, and (ii) to the student, enabling him or her to respond. If the student so wishes, s/he can submit a written statement which must be provided at least 10 working days in advance of the Panel meeting, enabling it to be circulated and studied by the Panel and the School.

2. The aims are (i) fairness to both sides (i.e. to both the student and the School) and (ii) to ensure that the Panel can fully prepare for the hearing. The extent and complexity of many of the papers in these cases, and the limited time available for a hearing, mean that it is impractical to expect the Panel, the School or the student to read, and take on board, significant additional material, on the day of the Panel meeting.

3. It is in everyone’s interests, but particularly those of students, to avoid unnecessary delays. A delay could seriously slow a student’s career progression, because course/programme entry points are strictly controlled and, in the case of the Foundation Programme, may only occur once a year. The main aim of this guidance is to minimise the risk of such delays.

4. The arrival of one or two additional pages at the beginning of a hearing is not likely to pose a major problem. In the first instance, such papers would be given to the Chair. If the new material came from the School representative it would then be shown to the student and any student representative, and permission sought from them for the item to be disclosed to all parties. If the new material came from the student, either directly or via the student representative, then it would be shown to the School representative, and permission sought from them for the item to be disclosed to all parties. If any party objected to disclosure, then the Panel would retire to consider how to proceed. The Panel might need to adjourn, for example to allow either side to consider, and possibly respond to, the new materials.

5. The same procedure would be followed if a new document were to be produced during a Panel hearing. This includes a situation in which the Panel has asked the School to locate and produce an additional document; this new item would not be disclosed to the Panel without first seeking the permission of the student and his or her representative. If either party objected to disclosure, then the Panel would retire to consider how to proceed. The Panel might need to adjourn, for example to allow either side to consider, and possibly respond to, the new materials.

6. Occasionally a student, on arrival at an FTP Panel meeting, presents the Panel with their portfolio, usually a ring binder containing numerous documents often dating back to school education. For both practical and procedural reasons, the Panel will not be able to make any use of such an item if presented on the day of the Panel hearing. Students are strongly advised that if they feel there are any documents that would assist the Panel, then copies should be made available well in advance of the hearing (students wishing to submit a statement or any other documentation should not forget that it must be received not less than 10 working days before the hearing).
7. The FTP Panel papers always include copies of relevant professional guidance, for example from the General Medical Council. The Panel, the School and the student will be expected to have read these documents, and the Panel expects the School and the student (or their representative) to make reference to such documents if they so wish.

8. The School representative or the student or their representative might wish to make reference to other documents supplementary to the papers that have already been circulated. For example, these might be other papers relating to the case, or they might be one or more court judgements. Either side has the right to make reference to any documents they feel are relevant. However, any such additional documentation must be supplied in full, 10 working days in advance of the hearing to permit the Panel, the School, the student and any student representative to study it. In the case of complex and/or unfamiliar material (for example court judgements and legal guidance), because the Panel are not experts in this area, it is essential that they and the other parties are given plenty of time to read and understand such materials. In addition, it is essential that whoever provides such documents also provides accompanying full written guidance as to the correct interpretation of such documents.

9. One of the rules of natural justice is that the parties should be able to present their case fairly. There should be no surprises. The procedure contains no rule that prevents either side from unexpectedly producing new information or new documents, and either side must feel free to present their case as they wish, but the Panel will need adequate time to consider and discuss all the information that is provided. Not only is it impossible for the Panel to study significant new information on the day, but it is also unfair to one side if the other side unexpectedly produces new material. If, despite this guidance, significant new material is produced at an FTP Panel hearing, the risk is that the Committee will have to adjourn. Convening an FTP Panel hearing is subject to the availability of panel members, which in turn is often governed in part by their clinical commitments. NHS regulations mandate at least 6 weeks’ notice for a clinic to be cancelled or re-arranged and, in practice, re-convening an FTP Panel could easily result in a delay of 2-3 months or more.